



N.J. Department of Law and Public Safety
Division of Consumer Affairs
State Board of Medical Examiners
P.O. Box 183
Trenton, N.J. 08625



STATE BOARD OF MEDICAL EXAMINERS

Issue 30

NEWSLETTER

Winter 2001

Letter from the President

Greetings from the State Board of Medical Examiners



**Names of the Board Members as presented on the photograph are listed on page 47.*

As president of the New Jersey State Board of Medical Examiners, I thought I would share with you some current issues now before the Board.

The Board is particularly interested in pursuing reforms to ensure that physicians in New Jersey are adequately prepared to meet the health care needs of our citizens as we enter the new millennium. Recognizing the ever-increasing complexity involved in the practice of medicine and the extraordinary fund of medical knowledge required of physicians emerging from graduate medical education programs, the Board sought to identify the most effective ways to ensure the clinical competency of its licensees *before* problems present themselves to the Board. This farsighted approach was especially timely in light of the increased public focus on medical errors and the quality of health care in America. The Board has too often encountered practitioners whose clinical skills may be less

than optimal or who have spent extended periods away from clinical practice, which may have left gaps in their medical knowledge that need to be addressed before resumption of practice is permitted.

In an effort to address these concerns, the Board is currently advocating a three-prong regulatory reform initiative. The first deals with the issue of mandatory continuing medical education as a condition of licensure. Although many of the professional licensing boards which are a part of the New Jersey Division of Consumer Affairs presently require a specific number of such education credits during each renewal cycle, no comparable requirement has yet been applied to physicians and podiatrists. Acknowledging that a statutory change would be needed to accomplish this reform, the Board actively sought input from those professionals it regulates and then advanced this goal through legislative channels. The two bills introduced and currently under consideration are Assembly Bill No. 2567 and Senate Bill No. 1408. Also, the ability to ultimately promulgate regulations on continuing medical education requirements would afford the Board a unique opportunity to address both new educational needs and those which are not emphasized in traditional medical education. Effective pain management practices, end-of-life decisionmaking, medical ethics and cultural competency for

Inside...

Failure to Repay Student Loans	3
Medical Board Expects Physicians to Deliver Appropriate Pain Management Care to Patients	4
Physician Assistant Update	5
Issuance of Death Certificates	6
Office of the Insurance Fraud Prosecutor	6
Usage of Uniform Prescription Blanks Required	7
Lost or Stolen Prescriptions?	7
News Brief	8
Disciplinary Actions	9

continued on the next page

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continued from the first page

board licensees are just a few examples of such opportunities for improvement. In addition, a new licensee orientation to better educate physicians regarding Board rules and expectations has been proposed.

A second reform under consideration addresses the question of how many postgraduate training years are necessary to prepare new physicians for unsupervised, plenary practice. At present, applicants graduating from medical schools accredited by the Liaison Committee for Medical Education or the American Osteopathic Association are eligible for licensure upon completion of just one year of resident training. The Board has come to believe that one year of postgraduate training is insufficient to prepare physicians to meet modern-day health care needs. After soliciting both public and professional input on this issue, the Board, in this same statutory initiative, proposed to increase the postgraduate training year requirement for licensure for American medical school graduates to two years, with a signed contract for a third year. Two of these years would need to be in the same specialty area or, when considered together, would be credited toward board certification by a specialty board recognized by the Board. Two "moonlighting" provisions have been incorporated in the proposal to address the identified needs of hospitals, board licensees, and the trainees themselves while at the same time ensuring an appropriate level of supervision to protect the public.

Finally, in cases involving the quality of medical care provided by physicians, the Board has seen the value of well-designed and focused educational programs to which licensees can be referred for assessment and focused reeducation. The organized resources available to assess clinical skills and develop personalized retraining programs to address identified deficiencies have thus far been located outside New Jersey. The Board has already taken initial steps to bring together various medical education organizations in our state to assist in the process of developing a New Jersey program. Quality of care cases often do not come to the Board's attention until the problems become obvious. Subsequent prosecutions can be time-consuming and expensive, and, with licensure at stake, are usually met with a vigorous defense. The Board is of the opinion that a more proactive approach encouraging earlier intervention with the possibility of focused education would be welcomed by our licensees and better serve the public interest. This model has proved to be effective in dealing with physician impairment issues following the adoption of the Alternate Resolution Program in New Jersey. That particular program provides a confidential track for rehabilitation while at the same time ensuring that the public is protected. It has since become a model for other jurisdictions.

The Board held an open public hearing on these issues on January 20, 2000, and was encouraged by the support received. In addition, a variety of organizations in New Jersey involved with medical education have already expressed interest in participating in a focused re-education initiative.

On a different note, perhaps the greatest number of new issues confronting the Board emanate from the changes seen in health care financing and in particular the incentives created by managed care. The effect of managed care on the physician-patient relationship, patient confidentiality, and the access to medically necessary care are all of concern to the Board.

In an effort to effectively address ethical practice and bioethical issues, the Board established a Bioethics Committee and statewide advisory task force composed of a wide array of experts from the medical, legal and bioethical communities. This group proved to be of great value in providing guidance when the Board was drafting revisions to its policy on the withholding or withdrawing of life-sustaining medical treatment. Various working groups of this body are addressing issues such as the effect of managed care on the doctor-patient relationship, patient confidentiality, the need for better pain management practices, the sale by physicians of health-related goods, the ethics of human cloning, the regulation of alternative medicines, the proliferation of physician drug trials in the private practice setting, and the prescribing of methylphenidate for Attention Deficit/Hyperactivity Disorder.

Recent rules adopted by the Board include a regulation codifying the acceptable methods of terminating a licensee-patient relationship, an amendment to the Board rule on the prescribing and dispensing of medicines, a regulation addressing lapsed licenses for physician assistants, and a rule identifying acceptable methods to remediate post-secondary school educational deficiencies to allow licensure.

Regulatory initiatives currently under consideration include new corporate practice of medicine regulations, an alternate credentialing mechanism to complement the Board's regulations regarding surgical and anesthesia standards in the office setting, a requirement for physicians to

notify patients of their right to have a chaperone present during examinations of intimate areas, a rule for new or novel procedures, a regulation governing co-management of postoperative ophthalmological care, a refinement of the rule concerning diagnostic testing and screening, a revision of the certified nurse midwife regulations, an amendment to the Board's advertising regulation to address representations of board certification, and further refinements of the rule regarding the practice of Bariatric Medicine. Telemedicine issues and Internet prescribing practices also continue to be a focus of the Board's attention.

Furthermore, over the last two years the Board office, with additional support from the Division of Consumer Affairs and much input from the Board itself, has worked to streamline the credential verification process and increase efficiency in the initial licensure process. The intended result of this effort is to establish an efficient, user-friendly process while at the same time ensuring a careful and deliberate process that is protective of the public.

On a practical point, physicians often inquire about what they should do when they become aware that prescription blanks have been lost or stolen. If you find yourself in this position, you can call the numbers listed below to report this occurrence and receive direction on any further obligations under the New Jersey Prescription Blank Statute.

Finally, the Board is committed to better educate its licensees on its current prescribing and dispensing of controlled dangerous substance regulations in order to make clear the Board's expectations and ensure competent and adequate pain management services for the citizens of New Jersey. Hopefully, the article included in this newsletter is an effective step in that direction.

As you can see, the Board has been active in many areas. I hope this correspondence affords our licensees a clearer picture of the Board's various roles, its purpose and its current initiatives. I would like to thank you all for your commitment, as our licensees, to better meet the health care needs of our citizens.

Gregory J. Rokosz, D.O., J.D., FACOEP
President

Failure to Repay Student Loans

Former Governor Christine Todd Whitman signed into law P.L. 1999, c. 54, effective June 8, 1999, which permits the director of the Division of Consumer Affairs, or any of the professional boards that issue licenses, to suspend any licensee who defaults on a state or federal education loan. The license will not be reinstated until the licensee provides the executive director of the board with a written release, issued by the lender or guarantor, which says that he or she has paid the loan in full, or is making payments in accordance with a repayment agreement approved by the lender or guarantor.

Medical Board Expects Physicians to Deliver Appropriate Pain Management Care to Patients and Seeks to Educate its Licensees on the Current Regulations.

The New Jersey State Board of Medical Examiners ("Board") amended its regulations governing the prescription of controlled dangerous substances in 1997. However, because most physicians do not regularly read the New Jersey Register, many remain unenlightened about this significant change in permissible prescribing practices. Previous regulations limited physicians' prescribing privileges regarding Schedule II Controlled Dangerous Substances (CDS) to 120 dosage units or a 30-day supply, whichever was less. The 1997 amendment to these regulations permits physicians to exceed the 120-dosage-unit limitation for pain control if certain circumstances are present.

If a treatment plan is designed to achieve effective pain management for relief of cancer pain, intractable pain, or pain associated with a terminal illness, physicians are permitted to exceed the 120-dosage-unit limit. Intractable pain is defined in the regulation as "pain which has been shown to be refractory or resistant to management with standard methods of treatment or for which insufficient relief has been found after reasonable efforts." Terminal illness is defined as "a diagnosed medical condition with a prognosis of less than one year." The regulation further states that "the treatment plan shall state objectives by which treatment success is to be evaluated, such as pain relief and improved physical and psychological function, and shall indicate if any further diagnostic evaluations or other treatments are planned." The physician also needs to discuss the risks and benefits of the prescribed controlled substances with the patient.

The regulation (N.J.A.C. 13:35-7.6) also states that "when controlled substances are continuously prescribed for management of pain for three months or more the practitioner shall review, at a minimum of every three months, the course of treatment, any new information about the etiology of the pain and the patient's progress toward treatment objectives." The physician also needs to remain alert to problems associated with physical and psychological dependence and shall periodically make reasonable efforts, unless clinically contraindicated, to reduce or stop the use of controlled substances or substitute other treatment modalities in order to reduce the potential for abuse.

The regulation stresses the need to maintain accurate and complete medical records on the patient. The record should reflect the medical history and physical examination of the patient, other evaluations and consultations, treatment plan objectives, evidence of informed consent, treatments or

drugs prescribed, and any written prescribing agreement between the physician and patient. The record should also reflect that periodic reviews are conducted and properly documented. Consultations with pain management specialists and, when appropriate, addiction medicine specialists are encouraged. Interestingly, the Board on occasion has been contacted directly by practitioners caring for difficult chronic pain patients. By outlining their pain management plan and expressing an openness to additional treatment suggestions, these physicians have preemptively given notice to the Board of their intent to provide competent pain management services prior to the Board receiving any complaint.

The Board recognizes the all-too-common problem of inadequate treatment of painful medical conditions. The Board believes its current regulations strike the appropriate balance to encourage competent pain management while at the same time protecting against the potential abuse of these substances. Furthermore, it seems that many licensing boards are broadening their traditional perspectives on the prescribing of CDS for painful medical conditions. Although not yet encountered in New Jersey, the Oregon Board of Medical Examiners, in fact, has already pursued disciplinary action against a licensee for providing incompetent pain management to patients.

On the other hand, the New Jersey Board has initiated disciplinary action against its licensees in the past and continues to do so for the indiscriminate prescribing of controlled dangerous substances. However, these cases do not reflect competent and well-documented pain management. In almost all New Jersey disciplinary cases, medical record documentation is often abysmal or absent. History and physical examinations are often not documented and careful tracking of prescribing patterns is usually lacking. Referrals for investigations into indiscriminate prescribing often come to the Board's attention by way of complaints from pharmacies, other practitioners, and family members who believe their loved ones are being treated inappropriately and consequently becoming addicts. Sometimes the patients themselves lodge the complaint. The facts of these cases typically reveal a lack of any meaningful diagnostic work-up. Rarely are consultations with pain management specialists utilized. Prescriptions renewed too frequently by telephone and the prescribing of controlled dangerous substances over the weekend with a lack of chart documentation of these prescriptions are common occurrences. Physicians are often shocked when they are presented with their phar-

macy profiles. In the more egregious cases, physicians prescribed controlled dangerous substances to known addicts for the sole purpose of collecting an office visit fee. The Board has also found that a few physicians were freely dispensing or prescribing controlled dangerous substances in exchange for sexual favors. Obviously, the Board will pursue disciplinary action in all such circumstances.

The Board clearly recognizes the need for the long-term prescribing of narcotics in certain chronic painful conditions for patients to remain functional in their daily activities. The Board is cognizant of the current literature on long-term CDS prescribing. With appropriate and careful CDS prescribing, patients do not become addicts, do not enter a euphoric state, and are able to function in society at a higher level. In essence, the Board expects its licensees to provide competent pain management services to its patients, to practice good medicine, and to properly document the care provided. A knowledge of the relevant pharmacology is essential. When remediable deficits have been identified in the past, the Board has customarily referred these physicians to various educational programs dealing with the prescribing of controlled dangerous substances.

One final note should be made regarding the use of implantable pumps that deliver controlled substances for the management of cancer and intractable or terminal pain. The Board has gone on record in interpreting the intent of its regulations to allow a greater than 30-day supply (i.e., 90-day supply) to be loaded into these devices, for the sake of patient convenience and comfort. However, consistent with the intent of the regulation, the Board expects that its licensees will review, at a minimum of every three months, the course of treatment and the patient's progress towards treatment objectives.

In summary, the Board believes its current regulation will act to decrease the chronic underutilization of pain management medication without increasing drug dependence. I hope this article proves to be useful and will be of some comfort to the medical community in allowing physicians to provide the best possible pain management services to patients without fear of disciplinary action, so long as the well-accepted safeguards and medical standards of care are observed. Any medical practitioner in need of a copy of the current regulations concerning the prescribing and dispensing of controlled dangerous substances by physicians may write to the Board office for a copy. The address is: New Jersey State Board of Medical Examiners, PO Box 183, Trenton, NJ 08625-0183.

by Gregory J. Rokosz, D.O., J.D., FACOEP
President

Physician Assistant Update

There are presently 670 Physician Assistant (PA) licensees of the State Board of Medical Examiners. The BME licenses and regulates their practice through the Physician Assistant Advisory Committee (PAAC) which meets monthly. The PAAC is comprised of three physician assistants, a plenary licensed physician, and a public member.

In the past year, new regulations and policy have been adopted regarding physician assistant practice.

- 1) N.J.A.C. 13:35-2B.17 Reinstatement of Lapsed License
- 2) N.J.A.C. 13:35-2B.18 Sexual Misconduct Regulation
- 3) BME Policy on Verbal Orders for CDS to Physician Assistants

For more information on these or other questions regarding Physician Assistant practice contact the State Board of Medical Examiners or the PAAC.

Physician Assistant Advisory Committee
P.O. Box 45035
124 Halsey Street, 6th floor
Newark, N.J. 07101
Telephone: (973) 504-6580

Issuance of Death Certificates

A substantial number of complaints come to the Board about physicians' refusals or non-availability to sign death certificates. This produces undue hardship on a grieving family and the timely process for burial.

Regulation 13:35-6.2 entitled *Pronouncement of death* outlines in detail the physician's responsibility pertaining to this matter. The Board ***advises each physician to read the entire regulation***. Some of the most pertinent points will be enumerated below: (1) "Attending physician" means any M.D. or D.O. who, prior to the person's death, had attended, supervised or directed ongoing medical treatment of the patient as a primary care physician or as a specialist undertaking to treat a significant chronic illness which could lead to death. A physician providing such ongoing treatment, who has issued or renewed a prescription issued to the person within the six-month period preceding death, is deemed the attending physician, regardless of whether the physician has personally examined the person within that six-month period; (2) A covering physician shall also bear a responsibility to exercise his or her best medical judgment when making a pronouncement of death or drawing the conclusions called for in completing the certificate of death; (3) Every physician licensed by the Board and engaged in the active practice of medicine in this State shall ensure that he or she meets the obligations set forth in this section. If the physician is unavailable, he or she shall arrange for another physician to assume these responsibilities; (4) A certificate of death shall be prepared and completed by a physician within a reasonable period of time, not to exceed 24 hours after the pronouncement of death. The factual data set forth in the certificate shall be based, to the greatest extent possible, upon the personal knowledge of the physician preparing the certificate.

Practitioners are reminded that there are three practical highlights that need to be reinforced: (1) You, or the designated physician covering your practice, must sign a completed death certificate within 24 hours of death; (2) A doctor should never sign a blank death certificate; (3) Whenever presented with a death certificate, give it your prompt attention.

Joseph Gluck, M.D.
Medical Director

Office of the Insurance Fraud Prosecutor

The Office of the Insurance Fraud Prosecutor (OIFP) was created as part of the Automobile Insurance Cost Reduction Act (AICRA). OIFP is responsible for investigating all types of health-care fraud and serves as the focal point for all criminal, civil and administrative prosecutions for insurance and Medicaid fraud. OIFP is also responsible for coordinating all insurance fraud-related activities of State and local departments and agencies to enhance the State's integrated law enforcement system.

OIFP works closely with deputy attorneys general from the Division of Law, investigators of the Division of Consumer Affairs' Enforcement Bureau and the professional and occupational boards. Despite their extensive training and education, licensees of the professional and occupational boards may be tempted to exploit their positions of authority and engage in fraudulent acts. This conduct may include utilizing a professional license to bill for services not rendered, upcoding CPT codes, overutilization of services to increase fees for services, as well as billing two separate insurance carriers for the same services. Illegally

adding a noneligible person to a group health policy or submitting bogus personal medical bills to the licensee's personal health insurance carrier also constitutes insurance fraud. The fraudulent act may also involve participating in staged auto accidents or making material misstatements on an automobile insurance policy.

Professional licensees are subject to civil penalties if they are found to have engaged in insurance fraud. Furthermore, the fraudulent act may be judged to be criminal and may result in a criminal conviction, incarceration or probation and fines. Civil or criminal enforcement action will cause OIFP to refer the matter to the appropriate professional or occupational board for the initiation of an administrative disciplinary action. Boards can utilize the action taken by OIFP as sister-agency disciplinary action and file an administrative complaint based solely on the OIFP action. Sanctions range from a reprimand to the revocation of the professional's license.

OIFP has made significant strides in making its law enforcement presence known, including conducting an advertising campaign and publicizing the fact that insurance and Medicaid fraud are serious crimes that will result in serious consequences for those who commit such fraud in New Jersey.

Usage of Uniform Prescription Blanks Required

The "Uniform Prescription Blanks Law," which became effective on March 1, 1997, requires that all prescriptions written in New Jersey be issued on New Jersey Prescription Blanks (NJPB's) subject to stringent security controls, in order to deter prescription drug abuse and prescription forgery. The major provisions of the law follow:

1. All licensed New Jersey practitioners, and health care facilities authorized by the State Department of Health to issue prescriptions, must use NJPB's for all written prescriptions.
2. Written prescriptions that are issued in New Jersey will be honored at pharmacies in this State only if they are written on NJPB's. Telephoned-in and electronically transmitted prescriptions are exempt so long as the prescriber provides his or her license number and/or DEA number, as appropriate.
3. Each NJPB must include a practitioner's professional license number or health care facility "unique provider number." The latter is assigned by the Division of Consumer Affairs to those facilities licensed by the State Department of Health.
4. NJPB's may be purchased only from printer/vendors approved by Consumer Affairs. Anyone printing or issuing prescription blanks without authorization may be in violation of N.J.S.A. 2C:21-1.
5. Forgery or theft of NJPB's are considered crimes of the third degree which may be punishable by a term of imprisonment of between three and five years.
6. All licensed prescribers and health care facilities receiving NJPB's must maintain precise records reflecting the ordering, receipt, maintenance and distribution of NJPB pads. NJPB's should be stored in secure locations.

7. All licensed prescribers and health care facilities must notify the Office of Drug Control (NJPB Unit 973-504-6558) within 72 hours of being made aware that any NJPB has been stolen or forged and they also must complete an NJPB Incident Report Form.

The Uniform Prescription Blanks Law has been successful. Several arrests and prosecutions have transpired as a result of the NJPB Incident Reporting System which has been implemented. In addition, an official report submitted to Governor Whitman reflected that the State-funded programs (Medicaid, PAAD and General Assistance) saved \$6 million in the program's first 12 months, as a result of the new law. For these trends to continue, physicians are reminded to:

1. place orders for NJPB's with approved printer/vendors only when necessary to replenish prescription blank supplies;
2. check "filled orders" for NJPB's immediately following receipt from printer/vendors, to be sure that they have received the correct quantity and that the quality of the blanks is satisfactory;
3. contact the NJPB Unit if orders are filled unsatisfactorily or if unsolicited prescription blanks, preprinted with various drug product names or otherwise, are received from drug manufacturers or anyone;
4. maintain blank NJPB's in a safe and secured area where they cannot be accessed by unauthorized personnel. (If the likelihood of NJPB pilferage or forgery is a paramount concern, consider placing a special order in which each blank form will be numbered sequentially.); and
5. promptly telephone the NJPB Unit at 973-504-6558 upon discovering that a prescription blank has been stolen or forged to ensure expedient completion of an "NJPB Incident Report," resulting in timely notification of the appropriate authorities.



Lost or Stolen Prescriptions?

Call 973-504-6558

Office of Drug Control Enforcement/
New Jersey Prescription Blank Unit
Division of Consumer Affairs
P.O. Box 183
Newark, N.J. 08625

By Christine Danser, CNM, MSN

A regular feature of News Briefs will be an update on new regulations, amendments to existing regulations and policy statements approved by the Board of Medical Examiners. Licensees of the Board are referred to the New Jersey Administrative Code and/or the Board office for specific information regarding such regulations. Following are those adopted since January 1, 2000, submitted by Board member Edwin Trayner, MD:

1. Adopted amendment: N.J.A.C. 13:35-4.1, effective February 22, 2000.

This amendment allows a duly certified nurse practitioner (CNM) to act as a qualified assistant in the performance of Caesarean Sections.

2. Adopted new rule: N.J.A.C. 13:35-6.6 and 13:37-6.3, effective July 3, 2000.

This rule sets the standards for joint protocols between advanced practice nurses and collaborative physicians.

3. Adopted amendment: N.J.A.C. 13:36-2B.10, effective August 21, 2000.

This amendment qualifies the supervision of physicians assistants by collaborative physicians.

4. Readoption with amendments: N.J.A.C. 13:45C re-adoption, effective August 2, 2000. Amendments effective October 2, 2000.

This amendment and readoption concern the duty of the licensee to cooperate and comply with Board orders.

5. Adoption of new rule: N.J.A.C. 13:35-7.5A, effective October 2, 2000.

This rule applies to the limitations on prescribing, administering or dispensing drugs for the treatment of obesity.

6. Adoption of amendments: N.J.A.C. 13:35-7.2, 7.5, 7.7 effective October 2, 2000.

These amendments concern physician prescribing and dispensing of:

Vitamins and nutritional supplements and differentiation from prescription drugs.

Standards for health care facility and multiuser prescription blanks.

Limits on the dispensing of depressant drugs in detoxification procedures.

7. Adopted new rule: N.J.A.C. 13:35-2B.17, effective October 2, 2000.

Concerns the reinstatement of lapsed licenses of physician assistants.

8. Adopted new rule: N.J.A.C. 13:35-6.22, effective October 2, 2000.

Concerns the termination of the licensees-patient relationship.

9. Adopted amendment: N.J.A.C. 13:35-3.02, effective October 2, 2000.

Standards for licensure of physicians with post-secondary school educational deficiencies.

- The Board has approved for proposal a new regulation that will require practitioners to offer patients the presence of a chaperone during certain examinations... more information on this topic will be in the next newsletter.
- The Certified Nurse Midwife Liaison Committee of the Board held two informal "Task Force" conferences during the Fall of 2000 for the purpose of soliciting public input regarding the practice of midwifery in New Jersey prior to proposing any new or amended regulations to govern such practice. The conferences were attended by Committee and Board members, midwives and consumers. A variety of views were presented by 25 speakers as well as many written responses, which will be considered by the Committee when drafting new, or amendments to, existing regulations.
- The Board, the Medical Society of New Jersey and the Rutgers Center for State Health Policy are involved in the development of a New Jersey Physician Survey for the purpose of identification and recommendation of specific steps to improve physician supply and access to healthcare for New Jersey residents ... more on this, too, in the next newsletter.

January 2000

CHAMBERS, Bryan P., M.D., License No. 62016

MODIFIED CONSENT ORDER OF LIMITED LICENSURE filed January 10, 2000. The matter was opened to the Board upon written request for clarification of paragraph one of the Consent Order of Limited Licensure filed with the Board on May 24, 1999. That Order had reinstated Dr. Chambers's medical license which, by Consent Order filed with the Board on January 23, 1997, Dr. Chambers had voluntarily surrendered after admitting he had relapsed into the abuse of controlled substances and ceased practicing medicine. The Board has ordered that all provisions of the Consent Order filed with the Board on May 24, 1999 shall remain in effect with the exception of provision no.1. Provision no.2 is modified as follows: Dr. Chambers's license to practice medicine and surgery in the State of New Jersey shall continue to be restricted. The license is restricted in that Dr. Chambers is authorized to perform nerve blocks in a medical office, but only in an office in which no controlled substances are present, and prior to employment in such office, Dr. Chambers has secured, upon written proposal, the approval of the Board for employment. **EFFECTIVE DATE: January 10, 2000**

COHEN, Merritt H., M.D., License No. 18828

CONSENT ORDER filed January 14, 2000. The Board received information that Dr. Cohen had been sued for medical malpractice. During the investigation, Dr. Cohen admitted he engaged in a long-term sexual relationship with his patient, engaged in indiscriminate prescribing, engaged in repeated acts of malpractice and/or professional and occupational misconduct, and admitted his patient records failed to conform to regulatory requirements. The Board ordered that Dr. Cohen's license to practice medicine and surgery in the State of New Jersey be suspended for two years, with one month active and the remainder to be served as probation. Active suspension commenced January 21, 2000 and ends February 20, 2000. He must take and successfully complete a Board-approved ethics course within 12 months. He must successfully complete a course in the proper prescribing of controlled dangerous substances. He was assessed a penalty of \$7,500 and costs to be determined. **EFFECTIVE DATE: January 21, 2000**

FIELD, Kenyon B., M.D., License No. 37267

CONSENT ORDER filed January 20, 2000. The matter was opened to the Board upon receipt of information indicating that beginning in 1990, Dr. Field had an intimate relationship with a patient constituting professional misconduct. He contends he attempted to refer the patient to other practitioners but she refused and that the relationship ended shortly before he suffered a stroke in the spring of 1991. The Board has ordered that Dr. Field's license be suspended for six months, all but 30 days of the suspension to be stayed and served as probation. The active portion shall begin on February 1, 2000 and run through March 1, 2000. He was assessed a penalty of \$2,500 and costs of \$3,761.12. Any violation of the statutes or regulations governing the practice of medicine or of the provisions of this order shall provide grounds for activation of the five-month stayed suspension in addition to any other penalties provided by law. **EFFECTIVE DATE: February 1, 2000.**

GERSON, Benjamin, M.D., License No. 37291

FINAL ORDER filed January 28, 2000. A Provisional Order of Discipline was filed based upon a disciplinary action taken against Dr. Gerson's license by the State of Massachusetts. The Massachusetts Board reprimanded Dr. Gerson for purchasing and prescribing practices for controlled substances and failure to maintain records of same. He was assessed a \$2,500 penalty and required to complete 50 hours of continuing medical education in pharmacology, prescribing and recordkeeping. A response to the Provisional Order was submitted by Dr. Gerson and reviewed by the Board. The Board has ordered that the Findings of Fact set forth in the Provisional Order of Discipline entered on June 16, 1998 be adopted in their entirety without any modification. The penalty proposed within the Provisional Order of Discipline was modified. The initial sanctions proposed were vacated and the following sanctions imposed. Dr. Gerson was formally reprimanded for having engaged in professional misconduct. Prior to commencing any further active practice in the State of New Jersey, he shall appear before a committee of the Board and demonstrate to the Board both his fitness to practice and his compliance with all terms and conditions of the Massachusetts Order. Any practice in New Jersey, after entry of this Order and prior to said appearance, shall constitute grounds for the automatic suspension of Dr. Gerson's license. The Board reserves the right, at the time of his appearance, to place any limitations or conditions upon Dr. Gerson's practice of medicine in New Jersey, should the Board then determine that cause exists. **EFFECTIVE DATE: January 28, 2000**

Disciplinary Actions

JARIWALA, Nilesh, M.D., License No. 52238

CONSENT ORDER filed January 27, 2000. The matter was opened before the Board upon receipt of a report and recommendation from the Medical Practitioner Review Panel detailing an investigation into Dr. Jariwala's care and treatment in two cases involving infant patients. The Panel found sufficient evidence to allege that Dr. Jariwala was negligent when he failed to adequately monitor and follow a five-week-old infant with fever which resulted in the infant's suffering cognitive impairment. In another case of a baby who died at three days old, the Panel also found sufficient cause to allege that Dr. Jariwala failed to timely respond and evaluate a newborn with signs of respiratory distress, failed to install an IV line and failed to consider the possibility of group B strep infection. Dr. Jariwala denied he was negligent in either case; however, he agreed, for settlement purposes, to the Board's entry of an Order wherein Dr. Jariwala is reprimanded for the conduct alleged, assessed a penalty of \$3,000, and required to enroll in and successfully complete within six months a Board-approved course in neonatal critical care. EFFECTIVE DATE: January 27, 2000

PORTER, Samuel, M.D., License No. MA17206

CONSENT ORDER OF VOLUNTARY PERMANENT RETIREMENT OF LICENSE filed January 13, 2000.

The matter was opened by the Board after receipt of a patient complaint regarding the quality of medical care provided. Dr. Porter informed the Board that he wished to permanently retire from the practice of medicine in this and all jurisdictions. The Board ordered that Dr. Porter be granted leave and shall immediately permanently retire his license to practice medicine and surgery in the State of New Jersey as of the entry date of this Order. He shall immediately cease and desist the practice of medicine in the State and in all other jurisdictions and hereby agrees to permanently refrain from seeking licensure in any jurisdiction in the future. Assessed costs. EFFECTIVE DATE: January 13, 2000

RAJAKUMAR, Ratnasabapathy, M.D., License No. 58914

FINAL ORDER OF DISCIPLINE filed January 13, 2000. Dr. Rajakumar's license to practice medicine and surgery in the State of New Jersey is suspended for three years, all stayed to become probation. The action was based upon the suspension of his license in the State of Massachusetts for three years for engaging in inappropriate and unprofessional behavior by making sexual advances and comments toward female colleagues and for lying on his Board renewal form as well as on employment applications. The suspension in Massachusetts was stayed to become probation with conditions and he was fined \$2,500. Dr. Rajakumar may not practice in New Jersey until he appears before the Board to demonstrate his fitness to do so and submits proof that he has complied with the terms imposed by the Massachusetts Board. Any practice in New Jersey prior to such appearance shall constitute grounds for automatic suspension of his New Jersey license. The Board reserves the right to place restrictions on respondent's license. EFFECTIVE DATE: January 13, 2000

SPEKTOR, Iosif G., M.D., License No. MA48661

FINAL ORDER OF DISCIPLINE filed January 14, 2000. Respondent's license to practice medicine and surgery in the State of New Jersey is suspended. Upon receipt of an application for reactivation of his license and prior to resuming active practice in New Jersey, respondent must appear before a committee of the Board and demonstrate his possession of an unrestricted license to practice medicine in all other jurisdictions where he is licensed. Any medical practice in this State prior to said appearance shall constitute grounds for automatic revocation of his New Jersey license. The New Jersey action was based upon the August 1998 New York action wherein Dr. Spektor was ordered not to practice medicine in the State of New York. The New York charges alleged that on 22 occasions he failed to meet acceptable standards of medical care regarding administration of anesthesia and stated that his continued practice constituted imminent danger to the people of New York. EFFECTIVE DATE: January 14, 2000.

STIER, Eric G., D.O., License No. MB28983

CONSENT ORDER OF VOLUNTARY SURRENDER OF LICENSE filed January 6, 2000. The matter was opened to the Board upon receipt of information from the Physicians Health Program that Dr. Stier had suffered a relapse into the abuse of cocaine. Dr. Stier was ordered to immediately surrender his license to practice medicine and surgery in the State of New Jersey for a minimum of six months from the entry date of this Order. Prior to the restoration of his license, he must appear before the Board to discuss his readiness to reenter the practice of medicine, provide evidence that he is capable of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare, and that he is not then suffering from any impairment or limitation resulting from the use of cocaine, alcohol or any controlled substance which could affect

his practice. He must also provide the Board with a full account of his conduct during the intervening period of time from his entry into treatment to his appearance. The entry of this Order is without prejudice to further action by the Board or other law enforcement entities resulting from Dr. Stier's conduct prior to entry into any treatment facility pursuant to this Order. EFFECTIVE DATE: January 6, 2000

February 2000

CHOUDHURY, Nilima, M.D., License No. 32078

CONSENT ORDER filed September 13, 1999. The matter was opened by the filing of a Verified Complaint alleging that Dr. Choudhury maintained her medical office in a condition which was unsanitary and unsafe, and that the continued practice of medicine by Dr. Choudhury posed a clear and imminent danger to her patients. An Interim Consent Order was entered on November 9, 1995 noting it appeared that conditions in Dr. Choudhury's office had improved and ordering her to maintain her offices at all times in a sanitary and safe condition, that her office would be subject to unannounced inspections and that she would be required to cooperate with those inspections without hindrance or delay. She was allowed to continue practicing pending the filing of a final order. An additional inspection of her office revealed that she is maintaining it in a clean and satisfactory manner. Administrative Law Judge Edith Klinger approved the Consent Order indicating the terms of agreement. Dr. Choudhury was reprimanded for professional misconduct for maintaining her office in a substandard manner and for failing to cooperate with the Board during its investigation; she was assessed a penalty of \$2,500 and costs of \$2,964.51 to be paid in equal installments over a period of a year; and her offices will be subject to unannounced inspections by investigators of the Enforcement Bureau. EFFECTIVE DATE: September 13, 1999

COGAN, Frederic C., M.D., License No. 41739

AMENDED CONSENT ORDER filed February 10, 2000 effective nunc pro tunc October 19, 1998. The matter was opened to the Board upon receipt of information that on January 13, 1989, Dr. Cogan pled guilty in the U.S. District Court for the Southern District of New York to the federal crime of failing to pay excise taxes due on the sale of two pen guns in calendar years 1984 and 1985. A pen gun is a 22-caliber gun in the shape of a pen. Dr. Cogan was placed on two years' probation and fined. A Complaint was filed with the New Jersey Board of Medical Examiners on January 3, 1997, charging that on or about January 13, 1989, Dr. Cogan pled guilty to a felony and that he falsely answered a question on the biennial registration renewal application for his New Jersey medical license. Respondent acknowledged that he had been convicted of a crime, that he engaged in professional misconduct and that he falsely answered a question on his biennial registration renewal application. The Board has ordered that Dr. Cogan be reprimanded for being convicted of a crime, for engaging in professional misconduct and for falsely answering a question on his renewal application. He successfully completed the PrOBE (ethics) course and paid a penalty of \$2,500.00. This Order amends and supersedes the Consent Order previously filed on October 19, 1998. EFFECTIVE DATE: October 19, 1998

CORAZON, Alexis Julio, M.D., License No. 63961

CONSENT ORDER filed February 28, 2000. The matter was opened to the Board upon receipt of information indicating that Dr. Corazon had engaged in a sexually inappropriate relationship with a patient over a period of not less than six months in 1997. Dr. Corazon testified before the Preliminary Evaluation Committee of the Board. He admitted he compromised the care of his patient as a result of sexual misconduct. He admitted he over-prescribed controlled substances and wrote duplicate prescriptions for controlled substances when said patient offered excuses that she had lost prescriptions or medications. He further admitted his patient records failed to conform to regulatory requirements. The Board ordered and agreed that Dr. Corazon's license be suspended for two years, with six months being an active suspension and the remainder shall be stayed and served as probation. The active suspension commences February 28, 2000 and terminates August 28, 2000. Dr. Corazon must successfully complete, within one year, a Board-approved ethics course. He was assessed a penalty of \$2,500.00 and costs to be determined. EFFECTIVE DATE: February 28, 2000

Disciplinary Actions

DE LA CRUZ-NOVA, Juan De Dias, M.D., License No. 45725

CONSENT ORDER filed June 9, 1999. The matter was opened to the Board upon receipt of information from the Insurance Fraud Division that the respondent had paid a civil penalty in the sum of \$5,000 to that agency in settlement of charges that he had submitted a false claim to Chubb Insurance Company with respect to patient J.R. Specifically, it was alleged that he filed a false bill in the amount of \$1,350 to the insurer for services which should have been billed for \$450.00. Said conduct constitutes dishonesty, fraud, deception, misrepresentation, false promise or false pretense, and professional misconduct. The Board has ordered that Dr. De La Cruz-Nova be reprimanded for engaging in improper billing activities and that he cease and desist from improper billing to patients and health care insurers. **EFFECTIVE DATE: June 9, 1999**

FREE, Kevin, M.D., License No. 53324

ORDER GRANTING RESTRICTED LICENSURE filed August 13, 1999. Dr. Free petitioned the Board for an unrestricted license which would permit him to participate in an internal medicine residency. Dr. Free has not practiced since January 1996, at which time the Board was made aware that he had relapsed into the abuse of Fentanyl. At that point, he entered into treatment in a substance abuse relapse program and voluntarily surrendered his license to practice medicine by Consent Order dated October 11, 1996 and effective nunc pro tunc January 31, 1996. Dr. Canavan from the Physicians Health Program (PHP) appeared with Dr. Free and supported his return to the practice of medicine with appropriate restrictions. The Board ordered that Dr. Free's license to practice medicine in the State of New Jersey be immediately reinstated with restrictions. He shall be granted a restricted license which will permit him to participate in an internal medicine residency at Overlook Hospital. His medical practice and prescribing privileges shall be restricted to the hospital setting. He shall submit to random urine monitoring under the supervision of the Physicians Health Program with immediate reporting to the Board of any positive results. Any failure by Dr. Free to provide a urine sample will be deemed equivalent to a confirmed positive test. He shall attend support groups no less than two times per week and shall provide evidence of attendance at such groups directly to the PHP. The PHP shall advise the Board immediately upon receipt of information that he has discontinued attendance at any of the support groups. He shall not prescribe controlled dangerous substances, except in the hospital setting, nor shall he possess such substances except pursuant to a bona fide prescription written by a physician or dentist for good medical or dental cause in his own treatment. Dr. Free consents to the entry of an order of automatic suspension of license without notice, upon the Board's receipt of any information which the Board deems demonstrates that he has failed to comply with any of the conditions of this order. **EFFECTIVE DATE: August 13, 1999**

LUPINACCI, Alan, M.D., License No. 36283

ORDER filed January 4, 2000. The matter was opened to the Board upon Dr. Lupinacci's filing of a Notice of Motion for reinstatement of his license to practice medicine and surgery in the State of New Jersey. An Order filed June 15, 1995 revoked Dr. Lupinacci's license after the Board found that in the face of his conduct, he was not fit to hold the trust of patients and that revocation was the only sanction appropriate. Dr. Lupinacci had been charged with 189 counts of sexual assault and contact and had entered a guilty plea to ten counts of criminal sexual contact. Dr. Lupinacci was convicted, sentenced to 364 days of incarceration and five years' probation. In October 1998, Dr. Lupinacci sought permission to apply for reinstatement of his medical license. His request was denied. The Board cited the egregious nature of the offenses and his failure to pay the \$12,213.63 in costs which had been assessed. In his current application for reinstatement, he asserts that he had made progress in his therapy, is remorseful and has an understanding of relapse prevention. Despite Dr. Lupinacci's submitted evidence of contrition and some progress in therapy, the Board found nothing to persuade it to permit Dr. Lupinacci to re-enter the practice of medicine. Dr. Lupinacci's application for reinstatement of his license is denied. **EFFECTIVE DATE: January 4, 2000**

MAHAKIAN, Charles G., M.D., License No. 58868

FINAL ORDER filed February 25, 2000. The matter was opened to the Board upon receipt of information that in 1997, Dr. Mahakian had surrendered his right to renew his California license. He did so in settlement of a complaint filed against him alleging that he had engaged in a sexual relationship with a patient. The Findings of Fact and Conclusions of Law set forth within the Provisional Order of Discipline entered in this matter on June 17, 1998 are adopted in their entirety without any modification. The license of Charles Mahakian to practice medicine and surgery in the State of New Jersey is suspended indefinitely. Upon application for reactivation of his license and prior to resuming active practice in New Jersey, he shall be required to appear before the Board to demonstrate his possession of an unrestricted license to practice medicine in all other jurisdictions where he is or was so licensed. Any practice in this State prior to such appearance shall constitute grounds for automatic suspension of his New Jersey license. **EFFECTIVE DATE: February 25, 2000**

PILLY, Ashok K., M.D., License No. 43026

CONSENT ORDER filed February 10, 2000. The matter was opened to the Board upon receipt of information that Dr. Pilly had treated and prescribed medications for a woman with whom he was involved in a sexual relationship. Respondent desired to resolve this matter without admissions and without recourse to formal proceedings. The Board ordered that Dr. Pilly be reprimanded and required that he take and successfully complete the ProBE ethics course. He was assessed a penalty of \$5,000 and costs in the amount of \$2,672. EFFECTIVE DATE: February 10, 2000

POMERANTZ, Allen C., M.D., License No. 45337

SUPPLEMENTAL ORDER filed January 31, 2000. The matter was opened to the Board upon written request from counsel seeking clarification of the effective date of the one-year stayed suspension pursuant to a Final Order of the Board entered in this matter on September 14, 1999. The Board was satisfied that cause existed to conclude that the effective date of the Board's action was intended to be March 10, 1999, the date this matter was returned to the Board for a formal vote on a determination to modify the sanction proposed within the Provisional Order of Discipline entered on November 13, 1998. The Board ordered that the Final Order entered in this matter on September 14, 1999 is hereby modified solely so as to state that the effective date of the one-year stayed suspension entered against Allen C. Pomerantz, M.D., shall be deemed to be March 10, 1999. That suspension shall continue until March 10, 2000. Other than the effective date of the suspension, the remainder of the Final Order entered on September 14, 1999 is not modified in any manner by entry of this Supplemental Order. EFFECTIVE DATE: January 31, 2000

SCHULD, David, A.T., License No. MT 00355

CONSENT ORDER filed February 15, 2000. The matter was opened to the Board upon receipt of a recommendation of the Athletic Trainers Committee that Mr. Schuld's Consent Order filed with the Board on October 15, 1998, be amended to require less frequent visits with his psychotherapist and his psychiatrist. Mr. Schuld had requested this based upon positive reports from his psychotherapist, his psychiatrist and his supervisor. The Board was satisfied with the reports and his progress in rehabilitation and has ordered that Paragraph 1(A)(V) of the Consent Order filed October 15, 1998, be amended. Respondent shall remain in treatment at least once every two weeks with a substance abuse counselor/psychotherapist and with a psychiatrist at least once every two months for monitoring of medication needs. Any reduction in the schedule of treatment or discontinuance of treatment or change in psychotherapist or psychiatrist shall require prior Board approval. All other provisions of the October 15, 1998 Consent Order shall remain in full force and effect. EFFECTIVE DATE: February 15, 2000.

March 2000

ABDU-NAFI, Saladin A., M.D., License No. 45376

CONSENT ORDER filed September 3, 1999. Dr. Abdu-Nafi petitioned the Board seeking restoration of his license and by Consent Order of Limited Reinstatement filed on September 14, 1998, he was allowed to work under supervision but could not have controlled dangerous substance (CDS) prescribing privileges. In June 1999, he sought restoration of his CDS privileges. Respondent has been involved in rehabilitation efforts and has been drug- and alcohol-free for more than four years. The Board considered his testimony and the position statement presented by the Physicians Health Program. The Board has ordered that Dr. Abdu-Nafi shall continue to practice under a limited license as previously entered, with the exceptions as noted. He may hold CDS privileges. He may prescribe CDS only in connection with his duties at the Hudson County Adult Correctional Facility. Dr. Abdu-Nafi consents to the entry of an Order of Automatic Suspension of License without notice, upon the Board's receipt of any information deemed reliable indicating that respondent failed to comply with the conditions of this order or any report of a confirmed positive urine or prima facie showing of a relapse or recurrence of alcohol or drug abuse. EFFECTIVE DATE: September 3, 1999

BUYER, David Samuel, M.D., License No. 67418

ORDER filed March 15, 2000. This matter was opened to the Board by receipt of information from David Buyer, M.D. concerning his continued efforts at rehabilitation following the entry of a Consent Order of Conditioned Licensure by the Board on June 18, 1998. He appeared before a Committee of the Board on June 30, 1999, to request that the Order be withdrawn.

Disciplinary Actions

The Board found that he had complied with the terms of the Order and has had no recurrence of substance abuse for more than three years. The Board has ordered that Dr. Buyer be granted an unrestricted license to practice medicine and surgery in the State of New Jersey. EFFECTIVE DATE: March 15, 2000

CAMPOS, Carlos M., M.D., License No. 24650

CONSENT FINAL ORDER filed March 2, 2000. The Board learned that the related criminal charges against respondent stemming from an undercover visit to respondent's office on or about November 6, 1996, were disposed of by the respondent's participation in the Pre-Trial Intervention Program. Therefore, the Board was left to consider the quality of respondent's medical care with regard to the November 6, 1996 visit by the undercover agent, whom the respondent believed to be a patient. The Board found that respondent's medical examination was inadequate and that the subsequent prescribing of medication to the undercover agent on the day in question deviated from appropriate medical standards. The Board also recognizes that this was a single incident and that the practice of monitoring of respondent since April 1998 has revealed that he has been and is currently practicing medicine in a safe manner. The Board ordered that Dr. Campos be reprimanded for an inadequate examination and improper prescribing to an undercover agent on November 6, 1996. It also assessed a penalty of \$2,500.00 and costs of \$985.12. Dr. Campos must enroll in and successfully complete the ProBE ethics course within six months from the date of entry of this Order. Satisfactory completion shall be deemed to include a grade of "unconditional pass." The monitoring of his practice by a licensed nurse practitioner acceptable to the Board shall be continued for six months from the date of entry of this order. Such monitoring will consist of weekly reviews of patient charts by the monitor with monthly reports to the Medical Director of the Board and immediate reporting to the Board in the event it is determined that treatment provided or prescriptions written by respondent were below the accepted standard of care. EFFECTIVE DATE: March 2, 2000

CURRY, Charles M., Jr., M.D., License No. 56490

CONSENT ORDER filed March 17, 2000. The matter was opened to the Board upon the filing of an Administrative Complaint on May 24, 1999, seeking imposition of disciplinary sanctions against Dr. Curry as a result of his conviction on February 25, 1997, via a plea of guilt, in the United States District Court for the District of New Jersey for failure to file taxes in 1993 for tax year 1992. The Board ordered that Dr. Curry be reprimanded for this conviction. It also ordered a two-year suspension which was stayed to be served as probation and assessed investigative costs in the amount of \$616.35. EFFECTIVE DATE: March 17, 2000

CURRY, Charles M., Jr., M.D., License No. 56490

CONSENT ORDER filed March 24, 2000. The matter was opened to the Board upon receipt of information that Dr. Curry had been arrested and charged with obtaining prescription drugs fraudulently. The Board was further apprised that in response to those charges, Dr. Curry admitted that since at least 1997, he has fraudulently obtained controlled substances for self-administration. The Board ordered that Dr. Curry be granted leave to permanently surrender his license to practice medicine and surgery in the State of New Jersey. Said surrender to be deemed a permanent revocation of his license. EFFECTIVE DATE: March 24, 2000

GOLDSTEIN, Jerrold B., D.O., License No. 22185

CONSENT ORDER filed March 8, 2000. The matter was brought before the Board upon receipt of information that Dr. Goldstein failed to comply with the terms set forth in a Consent Order dated October 16, 1995, wherein he agreed to acknowledge his arrest and conviction in the State of Florida on any subsequent biennial registration form filed with the State of New Jersey. The Board also considered an allegation that he had prescribed drugs for an individual whom he had never examined and for whom he had never opened a chart. The Board ordered that Dr. Goldstein be reprimanded for failure to acknowledge his 1979 arrest on the Board's biennial renewal application form, despite a Consent Order directing him to do so, as well as for prescribing medication for an individual he had never examined and for whom he never maintained a chart. Within 60 days of the filing of this Order, he shall undergo complete psychiatric and psychological examinations. A written report from these evaluations shall be submitted to the Board within 10 days of the evaluations. Nothing in this Order shall preclude the Board from taking any other appropriate action based upon information contained in said report. He was also assessed a civil penalty of \$5,000 and costs of \$3,770.19. EFFECTIVE DATE: March 8, 2000

HOPFAN, Job, M.D., License No. 45951

CONSENT ORDER OF VOLUNTARY SURRENDER OF LICENSURE filed March 27, 2000. The matter was opened to the Board upon receipt of information that Dr. Hopfan had sought treatment in an intensive outpatient treatment program because of a substance abuse relapse. He admitted a relapse into a prior abuse problem with Fioricet. He had been monitored previously by the Physicians Health Program and the Impairment Review Committee. The Board ordered that he be granted leave and that he shall immediately surrender his license to practice medicine and surgery in the State of New Jersey for a minimum period of six months from the date of entry of this Order. Prior to any restoration of his license, he must appear before a committee of the Board to discuss his readiness to reenter the practice of medicine. At that time, he must provide the Board with evidence that he is capable of discharging the functions of a licensee and is not then suffering from any impairment; provide evidence that he is not a habitual user of controlled dangerous substances (CDS); provide the Board with reports from each and every mental health professional who participated in his care and treatment; provide the Board with a report from the Physicians Health Program (PHP) detailing the nature and extent of his involvement; affirmatively establish his fitness, competence and capacity to re-enter the practice of medicine; and provide the Board with a full account of his conduct during the period of time from entry into treatment to his appearance pursuant to this Order. Entry into this Order is without prejudice to further action by this Board or other law enforcement entities resulting from respondent's conduct prior to entry into treatment. **EFFECTIVE DATE: March 27, 2000**

JANI, Sanatkumar Maneklal, M.D., License No. 35122

ORDER filed October 6, 1999. Dr. Jani appeared before the Preliminary Evaluation Committee of the Board on May 26, 1999 as required by the Final Order filed October 16, 1998. The Board found that he had fulfilled all of the requirements of the Maryland Order which placed his license on probation. The Board found that he is fit to resume practice of medicine and surgery in New Jersey and ordered that his license be restored without restriction. **EFFECTIVE DATE: October 6, 1999**

LIPOVSKY, Boris, M.D., License No. 54523

FINAL ORDER filed March 22, 2000. An Administrative Complaint was filed November 18, 1992 based upon the suspension of Dr. Lipovsky's license by the State of New York. This action constituted grounds for disciplinary action against Dr. Lipovsky's license to practice medicine and surgery in the State of New Jersey. The Complaint alleged that the New York suspension was based on his conviction in the U.S. District Court for the Eastern District of New York for knowingly and willfully receiving remuneration in exchange for ordering one or more items paid for under the Medicaid Program. Dr. Lipovsky contested the charges and the matter was transmitted to the Office of Administrative Law for a hearing. In July 1994, the Office of Administrative Law entered a stay pending resolution of the respondent's appeal process regarding the federal matter. The matter was delayed for several years and on July 8, 1999, a plenary hearing was held at the Office of Administrative Law. A final hearing was conducted on March 8, 2000. The Board ordered that Dr. Lipovsky be reprimanded for professional misconduct in that his authority to engage in the practice of medicine was suspended by another state licensing jurisdiction. It also ordered that he be assessed investigative costs. **EFFECTIVE DATE: March 22, 2000**

April 2000

ABBONDANTE, Claude J., D.P.M., License No. 922

FINAL CONSENT ORDER filed April 7, 2000. The matter was opened upon receipt of a patient complaint alleging care and treatment provided by Dr. Abbondante, in connection with surgery he had performed on her bunions, causing her to have continued pain, and that he had improperly billed for the procedures performed. The Board subsequently received another patient complaint concerning Dr. Abbondante's treatment and billing practices. The parties entered into an Interim Consent Order in November 1998 in which Dr. Abbondante agreed to submit to an in-depth evaluation of his knowledge of podiatry, with a report of that evaluation being furnished to the Board. At the November 1999 Board meeting, the Board reviewed the evaluation report prepared by the New York College of Podiatric Medicine. Without any admission of wrongdoing by Dr. Abbondante, the parties have agreed to the final disposition. Dr. Abbondante shall take and successfully complete the ProBE course or a comparable course in professional ethics, approved in advance by the Board prior to his attendance at such course. This course must be completed within one (1) year of the entry of this Order. He shall also take and

Disciplinary Actions

successfully complete a course in podiatric record keeping approved in advance by the Board prior to his attendance. This course must be completed within six months of the entry of this Order. EFFECTIVE DATE: April 7, 2000

ALPERIN, Martin, M.D., License No. 16462

CONSENT ORDER filed April 13, 2000. The matter was opened to the Board upon receipt of a complaint filed by the parents of a patient who died while under the care of Dr. Alperin. In lieu of filing an Administrative Complaint which would have charged multiple violations of law, the parties have agreed to resolve the issue. Dr. Alperin will have leave to permanently retire his license to practice medicine and surgery in the State of New Jersey, such surrender of license to be with prejudice and act as a revocation of that license. Dr. Alperin agrees not to reapply for licensure in New Jersey. EFFECTIVE DATE: April 13, 2000

BROSH, Michael, Unregistered AT

ORDER filed March 24, 2000. The matter was opened to the Board upon receipt of information that Michael Brosh was practicing athletic training for the Atlantic City Surf baseball team while he was unregistered beginning in May of 1999. The Board then received an application from Michael Brosh for registration to practice as an athletic trainer. The information received by the Board indicated that he had been practicing athletic training in May 1999 through August 1999 at home and away games in the State of New Jersey without having first obtained registration. On September 27, 1999, he was granted temporary registration and was advised that the Board was looking into allegations of unlicensed practice. On February 18, 2000, he informed the Athletic Training Committee of the Board that he had not passed the November 1999 NATA examination, passage of which is required for an athletic training registration in this State. His temporary registration expired upon determination that he had failed the NATA examination. The Board has ordered that Michael Brosh cease and desist the practice of athletic training in the State of New Jersey unless and until he obtains registration to practice from the New Jersey Board of Medical Examiners. He is reprimanded for the unregistered practice of athletic training and assessed a civil penalty of \$250. EFFECTIVE DATE: March 24, 2000

FERNANDEZ, LUIS, D.P.M., LICENSE No. 2134

ORDER OF DENIAL OF PETITION FOR REINSTATEMENT filed April 13, 2000. Dr. Fernandez had pled guilty to three counts of criminal sexual contact and was subsequently sentenced to four years' probation for each count, ordered to continue psychotherapy and perform 200 hours of community service in addition to restitution for any medical expenses incurred by his victim. By Final Order of the Board filed March 31, 1998, the Board revoked Dr. Fernandez's license to practice podiatry and ordered that no application for relicensure would be entertained by the Board any sooner than October 16, 1999. In September 1999, Dr. Fernandez contacted the Board seeking restoration of his license. The Board considered his petition and determined that the underlying conduct was so egregious and blatant in nature that the Board was unconvinced that he was rehabilitated to a degree where there is no danger of public harm. The Board's concern was heightened as one of the counts involved a minor female. The conduct was directed at both the female and male population as well as a patient and nonpatient. Dr. Fernandez's petition for reinstatement of his podiatric license is denied. Dr. Fernandez is still subject to a criminal probation requirement and he has failed to make any payments to the Board toward the outstanding \$7,500 penalty and \$2,252.50 in costs. EFFECTIVE DATE: April 13, 2000

JAMES, Darren, D.P.M., License No. 2179

ORAL ANNOUNCEMENT OF BOARD on April 12, 2000. The license of Darren James, D.P.M. to practice podiatry in the State of New Jersey is revoked effective April 26, 2000. The Board will not entertain an application for reinstatement of his license prior to two years. The revocation is tolled if Dr. James practices in another jurisdiction. Prior to his petition for reinstatement, he must submit proof that he has successfully completed an ethics course and community service in a nonmedical setting. He was assessed a penalty of \$7,500 and investigative costs of \$3,109.03. This action is based upon his conviction for insurance fraud constituting professional misconduct, deception/misrepresentation and lack of good moral character. EFFECTIVE DATE: April 26, 2000

KARIMI, Mahmood M., M.D., License No. 38851

ORDER GRANTING UNRESTRICTED LICENSURE filed April 17, 2000. Dr. Karimi's license to practice medicine and surgery in the State of New Jersey had been restricted by a Consent Order filed August 4, 1993. The Board has determined that Dr. Karimi has satisfactorily complied with the conditions set forth in that Order and has ordered that he be granted an unrestricted license to practice medicine and surgery in the State of New Jersey. EFFECTIVE DATE: April 17, 2000

MAUGLE, Barbara Lynn, D.P.M., License No. MD2498

CONSENT ORDER OF VOLUNTARY SURRENDER OF LICENSE filed April 17, 2000. The matter was opened to the Board upon receipt of information provided by the Physicians Health Program (PHP) that Dr. Maugle had relapsed in her abuse of alcohol. The Board was informed that in August 1999, Dr. Maugle self-reported a relapse and advised that she had been involved in an incident involving an assault on a police officer. She also advised that sentencing in this matter included forty (40) days in a rehabilitation program and 48 days in prison. The Board's independent investigation revealed an extensive record of arrests and dispositions for driving under the influence (DUI) with the most recent arrest occurring in October 1999. At the time of that arrest, she was also charged with possession of Schedule IV controlled substances, having an open container of an alcoholic beverage in her car, driving while suspended, operating with drugs in a motor vehicle and careless driving. The Board has ordered that she shall immediately surrender her license to practice podiatry in the State of New Jersey. This voluntary surrender shall have the same effect as revocation of her license and she shall immediately cease and desist the practice of podiatry. In the event she petitions the Board for reinstatement of her license to practice podiatric medicine in the State of New Jersey, she shall appear personally before a committee of the Board to demonstrate to the Board's satisfaction that she is capable of discharging the functions of a licensee consistent with the public's health, safety and welfare. EFFECTIVE DATE: April 17, 2000

NAHAS, Arthur G., D.O., License No. 33422

ORDER GRANTING UNRESTRICTED LICENSURE filed March 24, 2000. The license of Dr. Nahas to practice medicine and surgery in the State of New Jersey had been suspended and restricted per Board orders of December 17, 1992 and May 8, 1996. The Board is satisfied that he has complied with the conditions set forth in those Orders and has ordered that he be granted an unrestricted license to practice medicine and surgery in the State of New Jersey. EFFECTIVE DATE: March 24, 2000

ROSS, Jonathan, M.D., License No. 59619

CONSENT ORDER GRANTING VOLUNTARY SURRENDER OF LICENSE filed April 12, 2000. The Board received information that Dr. Ross was arrested by agents of the federal Drug Enforcement Administration and charged with obtaining controlled dangerous substances by fraud. The alleged basis for the arrest was that Dr. Ross had written prescriptions for controlled substances (CDS) for his own use, in the name of another person for whom the prescription was not intended, and paid that second person to fill the prescription and deliver the drugs to Dr. Ross. At that time, he was scheduled to appear before a Preliminary Evaluation Committee of the Board to answer questions concerning circumstances surrounding the administration of CDS to a different female patient who alleged having a personal relationship with the respondent outside his medical practice. An Interim Consent Order was filed on March 16, 1999 with an effective date retroactive to January 22, 1999, wherein Dr. Ross consented to the suspension of his license pending disposition of the criminal charges and agreed to comply with the directives regarding a licensee who has been suspended or revoked or who has surrendered his license. Dr. Ross pled guilty and a judgment of conviction was entered on October 15, 1999 by the U.S. District Court of New Jersey. Subsequently, the Board learned that he had entered a plea of guilty in Camden County Superior Court and was sentenced to a year's probation on October 10, 1999 for unlawful possession of a weapon, a semiautomatic firearm. Dr. Ross had abused his privilege as a physician to prescribe controlled substances by paying patients to fraudulently procure CDS for his own use and abuse. Furthermore, he maintained an unregistered and loaded semiautomatic firearm in the trunk of his car, thereby increasing the risk of harm to the public. His conviction for that crime demonstrates a lack of good moral character, which is an ongoing requirement for licensure. Additionally, he engaged in repeated acts of negligence, malpractice or incompetence and professional misconduct by engaging in repeated sexual acts with several patients. The Board has ordered that Dr. Ross immediately surrender his license to practice medicine and surgery in the State of New Jersey, with prejudice to any future re-application. Said surrender shall be deemed a permanent revocation of his license. He was assessed a \$7,500 penalty and \$342.07 in investigative costs. EFFECTIVE DATE: April 12, 2000

SHAH, Vithaldas, M.D., License No. 46354

CONSENT ORDER filed April 12, 2000. The matter was opened to the Board upon receipt of information that Dr. Shah was not in compliance with a letter agreement executed between Dr. Shah and the Board on November 24, 1998. Specifically, following reinstatement of Dr. Shah's license without limitation, he entered into an agreement to pay \$25,000 in past-due civil penalties as set forth in an order entered on June 29, 1994. The terms of the letter agreement required that he pay \$5,000 upon reinstatement of his license; \$5,000 on January 28, 1999, \$5,000 on July 28, 1999; \$5,000 on January 28, 2000 and \$5,000 on

Disciplinary Actions

July 28, 2000. The letter agreement specifically stated that any payment more than 10 days late would render the entire amount due and owing upon notice to Dr. Shah, and that any failure to make the agreed payments would subject Dr. Shah to liability. He made the initial payment of \$5,000 but failed to make the remaining payments. On February 9, 2000, the Board considered his request for a revised payment schedule. The Board found that he was in violation of the letter agreement. The Board has ordered that Dr. Shah be reprimanded for failure to comply with the letter agreement entered into with the Board on or about November 24, 1998, and that he shall pay remaining penalties in accordance with the schedule listed. EFFECTIVE DATE: April 12, 2000

SPERLING, Howard J., M.D., License No. 42924

CONSENT ORDER OF VOLUNTARY SURRENDER OF LICENSURE filed April 13, 2000. The Board received information that Dr. Sperling sought treatment in an intensive inpatient treatment program for a substance abuse relapse. Dr. Sperling was granted leave to immediately surrender his license to practice medicine and surgery in the State of New Jersey for a minimum of six months. Prior to any restoration of license, he must appear before a committee of the Board to discuss his fitness to re-enter the practice of medicine, provide evidence that he is capable of discharging the functions of a licensee in a manner consistent with public health and safety, and that he is not then suffering from any impairment. He must also provide the Board with reports from each and every mental health professional who participated in his treatment and a report from the Physicians Health Program (PHP) detailing the nature of his involvement. Entry of this Order is without prejudice to further action by the Board or other law enforcement entities resulting from his conduct prior to entry into treatment. EFFECTIVE DATE: April 13, 2000

NAPOLI, Salvatore, M.D., License No. 50431

ORDER GRANTING RESTRICTED LICENSURE filed July 29, 1999. On March 24, 1999, Dr. Napoli appeared before a committee of the Board seeking the Board's permission to undertake private employment or to seek a residency position. He provided proof of continuing medical education credits. The Board authorized Dr. Napoli's license to practice medicine in the State of New Jersey be immediately reinstated subject to the restrictions. His practice would be limited to performing insurance examinations, working as a house physician in a hospital, entering a suitable residency program, or working as a staff member at an urgent care center, or participating in a group practice in primary care. In the event that he locates a suitable position, which is approved by the Board, he must identify an individual within the practice or employment setting who would provide appropriate reporting to the Board. He shall submit to monitoring by the Physicians Health Program, including random urine monitoring, with quarterly reports to the Board. He shall continue total abstinence from mood altering drugs or chemicals. He shall not possess any controlled dangerous substances except pursuant to a bona fide prescription written by a physician/dentist for good medical or dental cause in his own treatment. He consents to automatic suspension of his license without notice upon the Board's receipt of information deemed reliable that he has failed to comply or a confirmed positive urine or prima facie showing of relapse or recurrence of drug abuse. Dr. Napoli also holds a license to practice dentistry in the State of New Jersey. Nothing in this order shall be construed to pass upon the respondent's fitness to practice dentistry, and any and all applications by the respondent to change his status as a dentist shall be taken up by the New Jersey State Board of Dentistry. EFFECTIVE DATE: July 29, 1999

LICENSE SUSPENDED FOR FAILURE TO RENEW – PURSUANT TO N.J.S.A. 45:9-6.1

Evarista Ocon-Espinoza, M.D.
Subramanyam Rajagopal, M.D.
Bokka Janardhan Reddi, M.D.
Lorna Thompson, M.D.
Albert J. Torres, M.D.

May 2000

BATES, Nancy M., D.O., License No. 42669

FINAL ORDER filed May 11, 2000. A Verified Complaint was filed September 24, 1999, alleging repeated failure during 1997 and 1998 to be present at her then private medical practice, failure to respond to messages from patients or her

answering service, failure to provide copies of patient records, ignoring the Board's demands that she release those records, and failure to submit her biennial registration application followed by continued practice of medicine despite reminders regarding her licensure status and repeated failures to appear or to communicate with the Board in a timely manner or to respond to Board subpoenas for her records. The combination of conduct demonstrated that she was incapable of discharging the functions of a licensee in a manner consistent with public health and safety. An Order to Show Cause was issued, with an emergent hearing set for October 8, 1999, based in part on an automatic suspension of her license on July 1, 1999, for failure to renew her registration with the Board. Respondent represented that she had ceased medical practice on September 23, 1999. An Interim Order was filed on October 7, 1999 in which Dr. Bates agreed to voluntarily surrender her license without admission and without prejudice to an application for reinstatement in the future. In February 2000, Dr. Bates sought Board permission to appear in order to seek reinstatement of her suspended license. The Board has ordered that Dr. Bates be reprimanded for her conduct in this matter. Her license may now be reinstated with conditions. Pending further order of the Board, she shall be permitted to work solely in a Board-approved supervised setting as an employee with no managerial ownership or administrative interest responsibilities, only medical responsibilities. North Hudson Community Action Center in West New York, where she had worked prior to her license suspension, shall be deemed an approved setting. Any termination of her employment, whether by joint agreement or unilaterally, shall be immediately reported to the Board. Her practice shall be monitored by a Board-approved monitor for a minimum of six months. Said monitor shall report on a bimonthly basis, with an immediate report to the Board if her performance is deemed unsatisfactory or if she fails to report to work, or if she performs medical duties without adequate explanation. Dr. Bates may request reassessment by the Board for the need for continuing monitoring and/or frequency of reporting, but no sooner than six months from the start of her employment under the terms of this Order. She shall continue psychotherapy with a Board-approved and licensed psychiatrist who shall report to the Board bimonthly and who shall immediately report any deterioration in Dr. Bates's condition. Dr. Bates shall be required to follow any medication/treatment recommendation made by her psychiatrist or to notify the Board of her refusal thereof. She may request that the Board reassess the need for continued mandated psychotherapy and/or frequency of visits/reporting, but no sooner than six months from the start of her therapy. She shall continue to participate in the Physicians Health Program with quarterly reports to the Board and immediate reporting if there is a recognized deterioration in her condition. She shall reassume custody of her patient records as specified. Dr. Bates was assessed costs of \$2,079. EFFECTIVE DATE: May 11, 2000

BLOT, Edward, M.D., License No. MA36164

CONSENT ORDER filed May 10, 2000. The Board received information from the Division of Medical Assistance and Health Services (DMAHS) which revealed that Dr. Blot had submitted Medicaid claims for services that had actually been performed by another physician with whom he shared office space. He entered into a Stipulation and Settlement and Consent Order with the DMAHS on June 21, 1996. He agreed to a one-year debarment and restitution to Medicaid of \$86,407.33. He further agreed to pay DMAHS \$20,668.60 in interest and \$2,000 in penalties. The Board has ordered that Dr. Blot's license to practice medicine and surgery in the State of New Jersey be suspended for one year, the first three months being active and the remaining nine months stayed to be served as probation. This suspension is effective upon entry of this Order. He was assessed a \$2,500 penalty and costs of \$362.17. Within the next six months, he must take and successfully complete a Board-approved ethics course. EFFECTIVE DATE: May 10, 2000

CASTILLO, Hector L., M.D., License No. 41481

INTERIM CONSENT ORDER filed May 26, 2000. The Board received information that Dr. Castillo had permitted another physician, who he called on for consultation on surgical cases, to operate on patients without the patients' knowledge or consent. He appeared before a committee of the Board to discuss his practice of medicine and his treatment of four patients whom he had treated between 1993 and 1995. A review of his patient records and his responses under oath raised serious concerns about his internal medicine practice, his ophthalmology practice and his recordkeeping. The Board determined that he should undergo a focused practice evaluation and that he submit to a period of proctoring of his ophthalmology practice and re-education. The Board ordered that he submit to a six month period of proctoring of his ophthalmology practice. He shall immediately retain a Board-approved New Jersey-licensed physician who will be responsible for proctoring Dr. Castillo when performing all ophthalmological surgeries. Said proctor shall provide monthly reports to the Board detailing Dr. Castillo's progress in his operative management. Within the next six months, he shall successfully complete a 60 credit CME review course in internal medicine at the Harvard Medical Center in Massachusetts, and a second 60 credit CME review course in ophthalmology at Wills Eye Hospital in Philadelphia, Pennsylvania. Six months after entry of this order, he shall appear before the Board to discuss his compliance with this Order and the necessity of continuing proctoring and re-education. Entry of this

Disciplinary Actions

Order shall not preclude the Board from pursuing any further disciplinary actions against Dr. Castillo based upon the reports of his proctor, all actions regarding his recordkeeping deficiencies are deferred until the Board further reviews his compliance with this Order. EFFECTIVE DATE: May 26, 2000

CITARELLI, Louis J., M.D., License No. 44506

INTERIM ORDER CONTINUING TEMPORARY SUSPENSION OF LICENSURE filed May 3, 2000 but effective upon oral announcement on April 12, 2000. The matter was opened to the Board upon Dr. Citarelli's filing of a motion on February 7, 2000 for limited reinstatement of his temporarily suspended license to allow him to perform certain charitable and volunteer medical services. A cross motion was filed on March 2, 2000, for entry of a Final Order in this matter revoking his license to practice medicine and surgery in the State of New Jersey. At the Board meeting held on April 12, 2000, the Board ordered that Dr. Citarelli's motion for leave to perform charitable work be denied; the Complainant Attorney General's motion to file an amended complaint in this matter be granted; judgment on the amended complaint be entered for the complainant. Any determination as to final penalty to be imposed shall be deferred until Dr. Citarelli is afforded an opportunity to be heard and to present mitigating evidence to the Board. Said hearing is to be scheduled following his sentencing in U.S. District Court. Until all proceedings (including the mitigation hearing) in this matter are concluded, the temporary suspension of Dr. Citarelli's license to practice medicine and surgery in the State of New Jersey which commenced on September 11, 1998, shall continue. EFFECTIVE DATE: April 12, 2000

GALLAGHER, Kevin, M.D., License No. 58295

FINAL ORDER OF DISCIPLINE filed May 7, 2000. A Provisional Order of Discipline was filed on November 13, 1998, based upon Dr. Gallagher's entering into a Consent Agreement and Order in New York wherein he agreed to a censure and reprimand, as well as a limitation on his license precluding him from self-prescribing drugs or medications or from prescribing drugs or medication to his wife or to any other current or former family members. Respondent did not contest the two specifications of misconduct alleging that he had excessively prescribed Stadol for his wife and failed to maintain adequate medical records of her treatment. The Provisional Order allowed Dr. Gallagher 30 days to respond. He failed to respond. The Board ordered that Dr. Gallagher's license to practice medicine and surgery in the State of New Jersey be suspended. Prior to commencing any active practice in New Jersey, he must appear before a committee of the Board to demonstrate his fitness to do so as well as his compliance with all requirements of the New York Board. Any medical practice in this State prior to such appearance shall be grounds for automatic suspension of license. The Board reserves the right to place restrictions on his license should it be reinstated. EFFECTIVE DATE: May 7, 2000

GARCIA, Jerry Steven, M.D., License No. MA70529

CONSENT ORDER OF LICENSURE filed April 19, 2000. The Board reviewed Dr. Garcia's application for licensure. Information in his application disclosed that in 1996, Dr. Garcia was suspended from clinical duties at an ACGME approved OB/GYN residency program at Texas Tech University. He informed the Board that he had appealed the dismissal but the dismissal became effective on November 22, 1996. The Post-Graduate Certification form reported that he had been placed on probation, suspended and sanctioned and that restrictions had been placed on his activities. The form also reported complaints and incident reports filed involving his professional behavior and interpersonal skills. On March 13, 1999, Dr. Garcia's application for a California license was denied based on his falsely answering a question on the California application. In 1999, he successfully completed a one-year residency in an ACGME-approved OB/GYN program in New Jersey. No adverse information was reported from that program and the applicant's evaluations were positive. The Board has ordered that Dr. Garcia be granted a restricted license to practice medicine and surgery in the State of New Jersey. Said license shall restrict his practice location. He shall not "moonlight" or work in any other setting. He shall employ at his own expense a licensed health care professional approved by the Medical Director of the Board to serve as his monitor. He shall cooperate with the monitor's random chart review of inpatient and outpatient medical records for appropriateness of care and documentation of diagnosis, and consent to the monitor's provision of quarterly reports to the Medical Director of the Board. He shall immediately report all abnormal patient complications he encounters to the monitor and the Medical Director of the Board. He must take and successfully complete the ProBE ethics course within one year of issuance of the Order. He agrees to counseling with a psychologist or psychiatrist for one year subsequent to the filing of this Order with therapy focusing on behavior issues. The therapist is to provide quarterly reports to the Medical Director of the Board. He further consents to an extension of therapy if it is deemed warranted by the Medical Director. He may petition the Board for modification of the provisions of the Order upon demonstration to the Board's satisfaction of his ability to safely practice absent these safeguards. EFFECTIVE DATE: April 19, 2000

JAMES, Darren, D.P.M., License No. MD2179

FINAL ORDER OF REVOCATION filed May 18, 2000, with an effective date nunc pro tunc April 26, 2000. The matter was opened to the Board upon the filing of an Administrative Complaint alleging that Dr. James had entered a guilty plea in U.S. District Court for the District of New Jersey to two counts of mail fraud. Specifically, he admitted submitting claims for services through the U.S. mail to private insurance companies indicating that certain podiatric services had been provided that he did not perform. He was sentenced to three years' probation and restitution in the amounts of \$43,740.80 to Prudential Insurance, \$23,920.75 to Blue Cross/Blue Shield and \$68,345.45 to Guardian Insurance Company. In June 1999, he entered a guilty plea in the Superior Court of New Jersey to one additional count of Medicaid fraud. He agreed to pay \$74,233 in restitution and agreed to a provider exclusion to the Medicaid and Medicare programs. He was sentenced to five years' probation, concurrent with the federal probation. The Board also found that he had failed to properly disclose the convictions and exclusions in response to direct questions contained on his biennial registration renewal application. The Board ordered that Dr. James's license to practice podiatric medicine in the State of New Jersey be revoked, effective April 26, 2000 nunc pro tunc. The Board will not entertain a petition for reinstatement until he has refrained from the practice of podiatric medicine for a minimum period of two years. No period of time will be counted toward this two-year minimum period during which he practices podiatric medicine in any other state or jurisdiction. Prior to the Board's consideration of a petition for reinstatement, he shall submit proof of successful completion of an ethics course approved by the Board and he shall submit proof of participation in a Board-approved plan of community service in a nonpodiatric, nonmedical setting. He was assessed costs of \$3,109.03. He was assessed a penalty of \$7,500. EFFECTIVE DATE: April 26, 2000

KONTOS, Demetrius, D., M.D., License No. 19655

FINAL ORDER OF DISCIPLINE filed May 7, 2000. A Provisional Order of Discipline was filed on June 18, 1999, based upon the December 1998 surrender of Dr. Kontos's New York license in settlement of a complaint filed by New York Board charging him with 46 counts of professional misconduct. The Complaint charged that he had been convicted in October 1997 in New York Criminal Court of attempted tampering with physical evidence in response to a grand jury subpoena. He was also charged with providing the New York Board with falsified medical records. In his surrender, he admitted guilt to the criminal conviction. Dr. Kontos was given 30 days in which to respond to the Provisional Order of Discipline. His attorney submitted an alternative to the sanctions proposed in the Provisional Order. The Board rejected the settlement proposal but afforded Dr. Kontos an additional opportunity to submit information. By letter dated January 26, 2000, respondent's counsel indicated that nothing further would be submitted. The Board has ordered that Dr. Kontos's license to practice medicine and surgery in the State of New Jersey be revoked. EFFECTIVE DATE: May 7, 2000

LERNER, Marvin H., M.D., License No. 46693

THIRD INTERIM ORDER filed May 12, 2000. This third Interim Order modifies and supplements prior orders. Any provisions of earlier orders which were not expressly modified remain in full force and effect. Dr. Lerner shall make arrangements to submit to neuropsychological testing to be performed under the direction of a psychologist or other mental health professional approved by the Board. Within five business days of his receipt of this Order, he shall notify the Board office of the date of his appointment for such testing. In advance of the scheduled testing date, the Board office will provide the tester with a copy of the Colorado Personalized Education Program (CPEP) report and the tester shall be authorized to confer with CPEP and the Board's Medical Director with respect to the scope of the testing to be performed. The completed report shall be provided to the Medical Director within 30 days of entry of this Order. Dr. Lerner shall continue to employ an advanced practice nurse, who possesses specialty certification in family practice and authorization to prescribe medications, and who will remain on-site when he sees patients. The advanced practice nurse will also review his entire practice, including performing a chart review and weekly report to the Medical Director of the Board. He shall abide by the previously approved monitoring plan. Said monitor shall review all of Dr. Lerner's charts, in their complete form, on a monthly basis, and shall provide a report to the Board relating to all patients seen during the entire preceding month. Dr. Lerner shall meet monthly, either in person or via telephone conference call with the monitor, the Medical Director of the Board and the advanced practice nurse for the purpose of reviewing the monitoring reports and discussing patient treatment plans. If for any reason the currently approved monitor fails to comply with the monitoring requirements which he has assumed, the Medical Director of the Board shall be authorized to forward a notice to Dr. Lerner directing that he immediately cease and desist from engaging in practice until such time as he produces for Board review the curriculum vitae of another physician, acceptable to the Board president, who is willing and able to assume the responsibilities set forth in this Order. EFFECTIVE DATE: May 12, 2000.

Disciplinary Actions

LOFTUS, James B., M.D., License No. 53247

CONSENT ORDER filed May 22, 2000. The Board received a request from Dr. Loftus that he be allowed to return to active practice. Dr. Loftus had enrolled in an intensive outpatient treatment program for a substance abuse relapse and had voluntarily surrendered his license by Consent Order entered on September 30, 1999. He appeared before the Preliminary Evaluation Committee of the Board on April 4, 2000, to request that he be allowed to return to active practice. Based on his rehabilitation efforts, his testimony and the position statement of the Physicians Health Program (PHP), the Board has ordered that the license of Dr. Loftus to practice medicine and surgery in the State of New Jersey be reinstated with restrictions. He must maintain absolute abstinence from drugs and alcohol. He must undergo monitored administration of Naltrexone as an opiate antagonist. He can be employed only by the Ocean Endosurgery Center under supervision and take no part-time employment or volunteer work in the field of medicine. His supervisor shall ensure that Ocean Endosurgery Center is an opiate-free environment and agree to submit quarterly reports to the Board pertaining to Dr. Loftus's work and his continued abstention from mood-altering drugs. He must continue in counseling with quarterly reports to the PHP; attend support groups; provide evidence of attendance to the PHP and agree that the PHP shall advise the Board immediately upon receipt of information that he has discontinued attendance. He may not apply for a controlled dangerous substance (CDS) registration, may not prescribe CDS, and may not possess such substances except pursuant to a bona fide prescription written by a physician or dentist for good medical or dental cause. He must submit to random urine monitoring supervised by the PHP with any positive results or failure to provide a urine sample immediately reported to the Board. He must continue monitoring by the PHP with quarterly reports to the Board and he consents to the entry of an Order of Automatic Suspension upon the Board's receipt of reliable information indicating that he has failed to comply with any conditions of this Order or any confirmed positive urine or prima facie showing of a relapse or recurrence of alcohol or drug abuse. **EFFECTIVE DATE: May 22, 2000**

LOWNEY, Joseph F., D.O., License No. 42831

FINAL ORDER ADOPTING FINDINGS OF FACT AND CONCLUSIONS OF LAW IN PROVISIONAL ORDER OF DISCIPLINE AND MODIFYING PENALTY filed May 26, 2000. On July 23, 1998, a Provisional Order of Discipline was filed based upon Dr. Lowney entering into a Consent Order with the Rhode Island Medical Board when it was found that he had been excluded from Medicare and related state programs for two and a half years for failure to order pre-procedure tests in a timely fashion. Said exclusion constituted unprofessional conduct. Dr. Lowney was precluded from the practice of medicine in Rhode Island for two months and then was required to provide medical care in a clinic for eight weeks without compensation. The Board has ordered that Dr. Lowney's license to practice medicine and surgery in the State of New Jersey be suspended for two months. Prior to commencing active practice in New Jersey, he must appear before a committee of the Board to demonstrate his fitness as well as his compliance with the requirements of the Rhode Island Board. Any medical practice in this State prior to such appearance shall constitute grounds for the automatic suspension of his license. **EFFECTIVE DATE: May 26, 2000**

MUNVER, Uttam L., M.D., License No. 26206/01

FINAL ORDER OF DISCIPLINE filed May 26, 2000. The Findings of Fact, Conclusions of Law and Penalty Provisions set forth in the Provisional Order of Discipline filed February 25, 2000, are adopted in their entirety. Dr. Munver's license to practice medicine and surgery in the State of New Jersey is suspended for 60 days. He may not practice in New Jersey until he has appeared before a committee of the Board and submits proof that he has complied with the terms imposed by the New York Board of Medicine. Any practice in this State prior to such appearance shall constitute grounds for automatic suspension. This action was based upon the suspension of Dr. Munver's license by the State of New York for professional misconduct including fraudulent practice and making a false report. **EFFECTIVE DATE: May 26, 2000**

PELOSI, Marco A., M.D., License No. 27105

CONSENT ORDER filed March 29, 2000. A Verified Complaint had been filed alleging that on one instance Dr. Pelosi had improperly delayed and complicated a patient's surgery by taking photographs, including staged photographs which did not depict the particular procedure performed on that patient. The Complaint further alleged unprofessional conduct toward nurses and other professional staff. The Board reviewed the matter, found the explanation satisfactory to persuade the Board that he had not engaged in conduct in violation of the Uniform Enforcement Act or the Medical Practice Act sufficient to warrant formal disciplinary action. The parties have agreed to a resolution of the pending Complaint. The Board has ordered that the factual allegations of paragraphs 4 through 10 of the Verified Complaint are dismissed with prejudice as establishing insufficient basis for formal disciplinary action. The allegations of paragraph 11 of the Verified Complaint are dismissed

without prejudice. The Board makes no finding of and the Respondent makes no admission of culpability by his consent to this Order. The parties and their counsel agree that, except as provided in paragraph 2 above, none of them shall have any liability toward the others arising from any events occurring on or before this order. EFFECTIVE DATE: March 29, 2000

PURCELL, Joseph W., D.O., License No. MB53161

ORDER GRANTING UNRESTRICTED LICENSURE filed April 25, 2000. The matter was opened to the Board upon receipt of Dr. Purcell's petition for an unrestricted license. Dr. Purcell had voluntarily surrendered his license on January 30, 1995. After completion of a long-term treatment program, he was granted a restricted license by Order of the Board filed July 17, 1997. The Board reinstated his license with monitoring requirements, without controlled dangerous substance (CDS) or DEA registration and with the practice limited to no more than 40 hours per week. The Board modified his practice restrictions further in 1998 and again in 1999. Dr. Purcell appeared before a committee of the Board in September 1999 accompanied by a representative of the Physicians Health Program who testified in support of his petition for unrestricted licensure. The Board has ordered that Dr. Purcell be granted an unrestricted license to practice medicine and surgery in the State of New Jersey effective upon the filing of this Order. EFFECTIVE DATE: April 25, 2000

ROSERO, Benito, M.D., License No. 38635

ORDER OF DENIAL OF PETITION FOR REINSTATEMENT filed April 13, 2000. The Board considered Dr. Rosero's petition for restoration of his medical license which was suspended by Consent Order dated March 26, 1998 after he acknowledged having engaged in acts of sexual impropriety, specifically, acts of improper sexual touching and sexual harassment of both patients and employees. Dr. Rosero and a representative of the Physicians Health Program (PHP) appeared before a committee of the Board in November 1999 concerning his restoration request. The Board considered the testimony of Dr. Rosero and the PHP representative and also considered documentation submitted by Dr. Rosero's treating therapist. Although the reports recommend that under continued treatment and safeguards his license could be reinstated with limitations, the Board determined that an independent evaluation and continued therapy are in order. At this time, the Board could not devise a monitoring plan which would effectively guard against the professional misconduct which gave rise to the suspension. The Board recommended that he continue in intensive psychotherapy and prior to reapplication, he submit to an independent evaluation by a Board-approved evaluator. Dr. Rosero's petition for reinstatement is denied. EFFECTIVE DATE: April 13, 2000

June 2000

ALEXANDER, Edward J., M.D., License No. 49804

INTERIM ORDER filed April 25, 2000. An Order to Show Cause and Verified Complaint were filed which directed Dr. Alexander to appear before the Board on April 12, 2000, to respond to charges that he failed to cooperate with the Board during an investigative inquiry, failed to supply the Board with his current address and practiced medicine without a current valid license. Dr. Alexander requested an adjournment that was granted by the Board subject to his agreement to the conditions set forth in this order. The Board ordered that Dr. Alexander cease and desist from engaging in any practice of medicine and surgery in New Jersey until further order of the Board and that he be barred from renewal of his license while this matter is pending. He must appear at a Preliminary Evaluation Committee meeting on May 3, 2000. In the event that he fails to appear, the Board will immediately reschedule for consideration the Attorney General's application in this matter and amend the Complaint to include a count with regard to any noncompliance with this Order. He must immediately provide the Board with any information concerning any change of address or telephone number. EFFECTIVE DATE: April 25, 2000

AL-SALIHI, Farouk L., M.D., License No. 22618

ORDER REMOVING RESTRICTIONS ON PRACTICE filed May 17, 2000. The Board is satisfied that Dr. Al-Salihi has fully complied with the conditions imposed by the Board in prior orders. The Board has ordered that the license of Farouk Al-Salihi, M.D. to practice medicine and surgery in the State of New Jersey be reinstated without restriction. EFFECTIVE DATE: May 17, 2000

Disciplinary Actions

BERGER, Sheldon H., M.D., License No. 18149

CONSENT ORDER filed May 19, 2000. The Medical Practitioner Review Panel received a report from Aetna-US Healthcare indicating that Dr. Berger had been terminated from the provider network following a hearing for “quality management deficiencies.” He appeared before the panel on February 18, 2000, and testified concerning the Aetna-US Healthcare action. He advised that he will voluntarily retire from the practice of medicine on September 30, 2000. It was ordered and agreed that Dr. Berger shall retire from the practice of medicine and surgery in the State of New Jersey and elsewhere, on or before September 30, 2000. He shall thereafter engage in no further practice of medicine and surgery in New Jersey or elsewhere, and shall thereafter be precluded from and shall refrain from filing any application for medical licensure, or renewal of medical licensure in New Jersey or elsewhere. He shall accept no new patients between the date of entry of this Order and September 30, 2000, and shall make arrangements for the orderly transfer of care of any current patients to other licensed practitioners and for the transfer of existing patients’ records to other licensed practitioners. In the event that he violates any terms of this Order, the parties agree that said violation shall constitute cause for the permanent revocation of his license to practice medicine and surgery in New Jersey and for imposition of civil penalties as authorized by law. **EFFECTIVE DATE:** May 19, 2000

CAPPIELLO, Rafael M., M.D., License No. 23765

FINAL ORDER OF DISCIPLINE filed May 22, 2000. A Provisional Order of Discipline was filed with the Board based upon the revocation of Dr. Cappiello’s license in the State of Nevada for multiple counts of malpractice, repeated malpractice, and having a pattern of practice of continual failure to exercise the requisite skill or diligence, which pattern was alleged detrimental to the public health, safety and welfare of the citizens in the State of Nevada. Dr. Cappiello was allowed 30 days in which to respond to the Findings of Fact contained in the Provisional Order. No response was received in the time allotted. The Board has ordered that Dr. Cappiello’s license to practice medicine and surgery in the State of New Jersey be revoked. **EFFECTIVE DATE:** May 22, 2000

DiBLASIO, Libico Mario, M.D., License No. 34552

CONSENT ORDER OF VOLUNTARY CESSATION OF PRACTICE filed June 26, 2000. The Board received information that on May 25, 2000, the State of New York summarily suspended Dr. DiBlasio’s license pending a hearing based upon a Statement of Charges alleging that he had engaged inter alia in repeated acts of negligence and incompetence and/or gross incompetence in connection with radiology services and other screening services for the detection of breast cancer. Dr. DiBlasio sought permission to voluntarily cease and desist from the practice of medicine and surgery in the State of New Jersey without prejudice pending resolution of his hearing in New York. The Board ordered that Dr. DiBlasio be granted leave to immediately cease and desist the practice of medicine and surgery in New Jersey until such time as his summary suspension is resolved before the New York Board. Prior to resuming the practice of medicine in the State of New Jersey, he shall provide the Board with evidence that his license to engage in the practice of medicine and surgery in the State of New York is current without limitations. Also, at the discretion of the Board, he shall appear before the Board to demonstrate that he is capable of performing the functions of a licensee in a manner consistent with the public’s health, safety and welfare. Entry of this order is without prejudice to further action by this Board or other law enforcement entities resulting from his conduct prior to his resumption of practice in New Jersey. **EFFECTIVE DATE:** June 26, 2000

GILMOUR, Kevin Patrick, D.O., License No. 51927

CONSENT ORDER filed June 9, 2000. The Board received allegations that Dr. Gilmour failed to maintain adequate records for his prescribing of controlled dangerous substances (CDS) for multiple patients. He appeared before a committee of the Board concerning these allegations. He desired to resolve this matter without formal proceedings. The Board ordered he be reprimanded for his conduct. He must take and successfully complete a Board-approved medical-recordkeeping course and a Board-approved course on the prescribing of controlled dangerous substances. He was assessed \$2,473.65 costs. For one year from completion of the medical record keeping course, he must submit quarterly five patient charts for review by the Medical Director of the Board. **EFFECTIVE DATE:** June 9, 2000

HASSMAN, Joseph, D.O., License No. 21112

CONSENT ORDER filed June 14, 2000, with an effective date nunc pro tunc of June 1, 2000. The Board received information alleging the indiscriminate prescribing of controlled dangerous substances to a patient of Dr. Hassman’s, with whom he had been engaged in a sexual relationship. The Board found that he had violated the Board’s sexual misconduct

regulation and that he engaged in misrepresentation and professional misconduct by withholding information regarding the nature of the relationship from the local police. Dr. Hassman entered into this Consent Order to resolve this matter without formal proceedings. The Board ordered that Dr. Hassman's license be suspended for two years, effective nunc pro tunc on June 1, 2000, with the first three months an active suspension and the remainder stayed to be served as probation. He was assessed a penalty of \$5,000 and costs of \$3,658.71. Within 12 months, he must successfully complete a Board-approved ethics course. Within 24 months, he must complete 300 hours of Board-approved nonmedical community service. EFFECTIVE DATE: June 1, 2000

HINDI, Adib B., M.D., License No. 26593

FINAL DECISION AND ORDER filed March 22, 2000. The Board reviewed the Initial Decision and Settlement forwarded by the Office of Administrative Law on October 12, 1999. The Initial Decision and Stipulation are adopted in toto by the Board. The Board accepts the permanent surrender of the license of Adib Hindi, M.D. to practice medicine and surgery in the State of New Jersey, deemed a revocation effective immediately. He shall take all measures to dissolve Paulison Diagnostic and Medical Services, P.A. and any other health care entities of which he is an owner or shareholder, nominal or otherwise. He shall assist in any investigation and testify truthfully in any future litigation which may be brought by any agency of the State government. He shall notify the Board in advance of any departure from the country and his address at such other location. He shall pay \$12,827 in investigative costs and a \$2,500 penalty. This Stipulation resolves all issues in connection with the Complaint filed October 5, 1998, alleging misrepresentation, deception, professional misconduct, aiding/abetting the unlicensed practice of medicine, gross negligence/malpractice, violation of the Consumer Fraud Act, failure to comply with the Patient Record Rule, professional practice violation concerning billing, and the sharing of fees for professional services. EFFECTIVE DATE: March 22, 2000

KEEN, Monte Steven., M.D., License No. 50242

CONSENT ORDER OF TEMPORARY SUSPENSION OF LICENSURE filed June 15, 2000. The Board received information that Dr. Keen had entered into a Consent Order with the State of New York, Office of Professional Medical Conduct, which suspended his license to practice medicine in the State of New York. He did not contest charges of fraudulent practice, being a habitual abuser of alcohol, narcotics, barbiturates, amphetamines, hallucinogens or other drugs having a similar effect, or having a psychiatric condition which impairs his ability to practice. The parties agreed and it has been ordered that Dr. Keen shall refrain from engaging in the practice of medicine in the State of New Jersey pending issuance of a Modification Order by the New York Board staying the indefinite suspension of his license in New York. Prior to engaging in the practice of medicine in this State, he must appear before a committee of the Board to consider his compliance with the terms of this order, his plans regarding the practice of medicine and surgery in this State, and his ability to comply with the requirements of the law. Nothing in this order shall preclude the Board from taking any and all actions authorized by law, including, but not limited to, action based upon his failure to fully comply with this instant order. EFFECTIVE DATE: June 15, 2000

LOBO, Angel R., M.D., License No. 29576

CONSENT ORDER filed June 14, 2000. The Board received information indicating Dr. Lobo had provided disability certifications to various individuals without sufficient medical information or documentation for such certifications. He appeared before a Physician Evaluation Committee on August 25, 1999. The Board found he had engaged in repeated acts of negligence by failing to properly evaluate the alleged injuries sustained, such negligence including failure to administer and document range of motion tests and the failure to obtain X-rays. The Board further found that he failed to keep medical records in accordance with Board regulations and, therefore, has engaged in professional misconduct. The Board ordered that Dr. Lobo's license to practice medicine and surgery in the State of New Jersey be suspended for one year commencing upon entry of this Order. The entirety of the suspension is to be stayed and served as probation. He must successfully complete a Board-approved recordkeeping course within one year. He must successfully complete the ProBE ethics course. He was assessed a \$2,500 penalty and \$4,501.45 in investigative costs. EFFECTIVE DATE: June 14, 2000

MORRISON, Jacqueline, A.T., License to be Issued

FINAL DECISION AND ORDER filed June 23, 2000. The Board received information that Ms. Morrison had been practicing athletic training from 1988 until April 2000 (during six biennial renewal periods) without having first obtained a registration. She applied for a registration in April 2000. The Board ordered that Ms. Morrison be reprimanded for the unregistered practice of athletic training. She was assessed a civil penalty of \$1,200. EFFECTIVE DATE: June 23, 2000.

Disciplinary Actions

PATHAK, Rameshwar, M.D., License No. 38425

FINAL ORDER OF DISCIPLINE filed May 22, 2000. A Provisional Order of Discipline was filed on May 11, 1998, based on the suspension of Dr. Pathak's license in the State of New York for practicing with negligence on more than one occasion, practicing with incompetence, and failure to maintain patient records. The New York suspension was stayed to become probation for two years. Dr. Pathak was allotted 30 days to respond to the findings contained in the Provisional Order. He did not respond. The Board has ordered that Dr. Pathak's license to practice medicine and surgery in the State of New Jersey be suspended. Prior to commencing active practice in New Jersey, respondent shall be required to appear before the Board to demonstrate his fitness to practice including proof that his New York license has been restored and that he has complied with the requirements of the New York Board. Any medical practice in New Jersey prior to said appearance shall constitute grounds for automatic revocation of his New Jersey license. The Board reserves the right to place restrictions on respondent's practice should his license be reinstated. **EFFECTIVE DATE: May 22, 2000**

SARNER, Steven W., M.D., License No. 50401

ORDER OF LIMITED REINSTATEMENT OF LICENSE WITH CONDITIONS filed May 31, 2000. Dr. Sarner petitioned the Board for reinstatement of a license to practice medicine and surgery in the State of New Jersey. He had voluntarily surrendered his license on May 13, 1998, in settlement of an application for temporary suspension based on a Verified Complaint alleging sexually inappropriate conduct and language directed at three professional colleagues and failure to cooperate in the Board's investigation of this matter. A supplemental Verified Complaint alleged inappropriate conduct and language of a sexual nature with a female patient. He admitted the allegations and pled no contest to the remaining allegations. A Consent Order was filed on May 12, 1999 which suspended his license for three years, retroactive to May 13, 1998, the date of the voluntary surrender. His initial application for complete reinstatement or a reduction in the active suspension was denied by the Board in March 2000. In April 2000, he modified his petition to a limited reinstatement to work in a paper-review position with no patient contact. The Board has ordered that Dr. Sarner be granted a limited license to practice medicine and surgery. The license is to be issued solely to permit him to work in a position which may involve the use of his license, but does not involve patient contact or patient care. Board approval is required prior to beginning work in any position which requires him to hold a current license to practice medicine and surgery. Prior to beginning work, he shall ensure his supervisor is aware of this matter and has a copy of all Board Orders. He shall take all reasonable professional measures to assure he identifies and avoids circumstances which may compromise the professional relationship among colleagues, and shall be sensitive to language and physical conduct which may be perceived as professionally inappropriate or sexually threatening. He shall continue in psychotherapy and assure that his treating mental health practitioner submits quarterly reports to the Board regarding the status of treatment. Reporting shall continue until further order of the Board. His obligation to pay the \$10,500 penalty and \$9,375 in costs (plus 5.5% interest) as provided in the May 12, 1999 Final Order is past due. Upon Board receipt of reliable information for failure to comply, his license shall be immediately and automatically suspended. **EFFECTIVE DATE: May 31, 2000**

SPINAPOLICE, Ronald X., D.O., License No. 27540

ORDER GRANTING UNRESTRICTED LICENSURE filed June 28, 2000 with an effective date nunc pro tunc or January 12, 1995. Dr. Spinapolicе petitioned the Board for an unrestricted license. The Board records reflect that on December 14, 1990, he entered into a Consent Order with the Board and on or about March 25, 1993, he entered into a second Consent Order. He had petitioned the Board for relief from the restrictions contained in those orders and the Board granted him an unrestricted license, effective January 12, 1995. However, an order of unrestricted licensure was never entered. This Order is being filed to clarify the licensure status of Dr. Spinapolicе. **EFFECTIVE DATE: January 12, 1995**

TAPPER, Frederick S., D.O., License No. 46016

CONSENT ORDER filed June 14, 2000. The Board received information that Dr. Tapper had violated a prior order of the Board by relapsing into the abuse of controlled dangerous substances. He admitted this violation. The Board ordered that Dr. Tapper be granted leave to voluntarily surrender his license to practice medicine and surgery in the State of New Jersey. Said surrender shall be deemed a permanent revocation with prejudice. **EFFECTIVE DATE: June 14, 2000**

July 2000

BAIRD, David B., M.D., License No. 24835

ORDER GRANTING LIMITED REINSTATEMENT OF LICENSURE filed June 23, 2000. Dr. Baird petitioned the Board for reinstatement of his license. An Administrative Complaint had been filed alleging that he committed numerous inappropriate sexual acts, including sexual harassment and inappropriate touching of coworkers, and entering into a sexual relationship with a patient. It also included allegations of fraudulent billing to insurance companies, and making terroristic threats to another physician. He elected not to contest the charges and then failed to appear for a mitigation hearing. Dr. Baird's license to practice medicine and surgery in the State of New Jersey was revoked by a formal order filed July 16, 1992. He first petitioned the Board for reinstatement of his license in December 1996. The Board denied his request for reinstatement. He again requested an appearance before the Board seeking reinstatement and was advised the Board would not consider such a request until he submitted to a psychological evaluation. The evaluation report was received and reviewed by the Board in addition to his testimony before the Board. He conceded that he committed all of the acts that he was accused of in the Administrative Complaint, that he inappropriately continued to use monies deposited into a joint account he had held with his mother after his mother's death and that he did nothing about the situation until it was discovered by the government. He additionally testified that his license in Pennsylvania had been revoked for five years based on his having practiced without a license in that State for a period of four or five months. He testified about his therapy and counseling and his discontinuance of same because he is unable to pay for therapy counseling. After review of all documents and testimony presented, the Board concluded Dr. Baird should be offered a limited opportunity to resume medical practice in the State of New Jersey. The Board has ordered that Dr. Baird's license to practice medicine and surgery in the State of New Jersey be reinstated subject to his compliance with all conditions set forth in the Order. His practice is to be limited to the extent that he may only practice medicine in a setting and under conditions approved by the Board. At this time, his practice will be limited to practice only: 1) in an ACGME-accredited training year in vascular surgery; or 2) as a surgical assistant in surgery at a licensed health care facility. Prior to resuming any practice in New Jersey, he must first advise the Board of his practice intentions and provide the Board with a written summary setting forth information concerning the type of practice he anticipates engaging in and the supervision arrangements that will be in place. He may not commence any practice of medicine unless and until he receives notice from the Board that his practice plan has been approved. An express condition of his resuming practice is that the Board receives monthly reports from his supervisor(s) detailing his progress and performance. The Board is to receive immediate reports in the event an individual obtains information suggesting Dr. Baird has engaged in any medical practice other than the limited capacities specified. Dr. Baird must immediately contact the Physicians Health Program and commence monitoring as specified with quarterly reports to the Board and immediate reporting to the Board for noncompliance or determination that his continued practice presents a danger to the public. His license shall be subject to revocation upon the Board's receipt of information revealing that he has engaged in any practice other than that set forth in this Order. EFFECTIVE DATE: June 23, 2000

BALDONADO, Ricardo T., M.D., License No. 26369

CONSENT ORDER filed July 28, 2000. The Board investigated the care and treatment of a patient who underwent a procedure, performed by Dr. Baldonado, and was discharged shortly thereafter. He advised the patient, who was having obvious bleeding, that she should go to the emergency room only accompanied by her elderly male companion. She collapsed in the parking lot and was subsequently taken to the hospital by ambulance where she underwent emergency surgery. The Board found that he had engaged in professional misconduct in that he deviated from accepted standards of medical care in discharging this patient in an emergency situation without the services of an ambulance to the hospital and that he had failed to communicate directly with the referring physician or the emergency room before the patient was taken to the hospital. The Board has ordered that Dr. Baldonado be reprimanded for engaging in professional misconduct. Within six months, he must successfully complete a course dealing with complications secondary to radiology procedures. He was assessed investigative costs of \$4,778.95. EFFECTIVE DATE: July 28, 2000

BARON, Michael Bruce, M.D., License No. 32658

CONSENT ORDER FILED June 9, 2000. A Provisional Order of Discipline was filed with the Board based upon a licensure action taken by the State of Washington, which placed Dr. Baron's license to practice medicine on probation for five years. He also agreed to perform community service, enter into a contract with the Washington Physician Health program, complete remedial education related to boundaries and ethical conduct by physicians, use triplicate prescription forms for all

Disciplinary Actions

Schedule II through V controlled medications, and appear before the Medical Quality Assurance Commission once a year during probation. Had the matter proceeded to hearing, the State would have introduced evidence that he had been convicted of a misdemeanor charge of violation of Idaho drug laws, failed to comply with federal drug laws, and had consumed controlled substances to the extent that he had become addicted. He acknowledged that the evidence was sufficient to justify a finding of unprofessional conduct. The Board has ordered that Dr. Baron shall not practice medicine and surgery in the State of New Jersey until he has appeared before a committee of the Board to demonstrate his fitness to do so. EFFECTIVE DATE: June 9, 2000

BLAIR, Georgia Rose, CNM, MSN, License No. 325

INTERIM CONSENT ORDER filed July 13, 2000. The matter was brought to the Board by an inquiry into the nurse midwifery practices of Georgia Blair, CNM, MSN. She agreed to interim measures outlined in this Order. It was agreed and ordered that effective immediately, she shall not schedule or participate in any home births for schedule "B" patients pending further Order of the Board on or before August 9, 2000, whichever is sooner. Any exceptions to this provision must be by the written consent of the Board. During July 2000, she must engage in at least one face-to-face meeting with her affiliated physician to review all of her patient charts regarding patients in her present caseload scheduled for delivery by Ms. Blair. Her affiliated physician shall submit a report to the Board with a copy to the Attorney General identifying each patient record reviewed and his general findings as to the appropriateness of antepartum care rendered by Ms. Blair. In collaboration with her affiliated physician, she shall immediately begin to establish more stringent guidelines governing patients' eligibility for home births. She agrees to comply with all other requirements contained in the Interim Order. The agreement is made voluntarily by Ms. Blair with no admissions of any violations of statutes or regulations governing the practice of nurse midwifery in the State of New Jersey. This agreement is also made without prejudice to the continuing investigation of her practice or to the filing of a disciplinary complaint should such a filing be deemed necessary. The Attorney General represents that no disciplinary complaint regarding the matters currently under investigation shall be filed prior to July 12, 2000. However, should Ms. Blair violate any of the terms of this agreement or should any information come to light indicating that her continued practice presents a clear and imminent danger to the public health safety and welfare, the Attorney General may file a complaint at any time. EFFECTIVE DATE: July 13, 2000

CHUZHIN, Yakov, M.D., License No. 64793

ORDER OF LIMITED REINSTATEMENT OF LICENSE filed July 12, 2000. Dr. Chuzhin petitioned the Board for reinstatement of his license to practice medicine and surgery in the State of New Jersey. A Consent Order of Voluntary Surrender had been filed with the Board on October 29, 1999, based upon Dr. Chuzhin's relapse into the abuse of the inhalational gas Forane. He sought reinstatement of his license on conditions recommended by the Physicians Health Program of the Medical Society of New Jersey. The Board has ordered Dr. Chuzhin's license to practice medicine and surgery in the State of New Jersey be reinstated conditioned upon his consent to specific provisions listed in the Order. He may commence practice solely in a supervised licensed health care setting approved by the Board. Any proposed change in employment will require the advance written approval of the Board. In any approved setting, a written protocol shall be prepared and communicated to all persons having a need to know, that Dr. Chuzhin must not be exposed, directly or through opportunity for access, to any inhalational anesthetic of any nature including, but not limited to, isoflurane. He must continue treatment until discharged, with said discharge promptly reported to the Board along with a comprehensive report. Any unilateral cessation of treatment or unexplained/questionable absence from treatment shall be immediately reported to the Board. He shall continue participation with the Physicians Health Program (PHP) as specified with quarterly reports to the Board regarding his progress. He shall submit to random witnessed urine drug screens, at a minimum twice weekly as determined by the PHP, the Board, and/or the chair of the department of the approved employing hospital. All results shall be provided to the PHP with reporting of any positive screens to the Board within 48 hours. Failure to submit to required testing within 24 hours of a request will be deemed equivalent to a confirmed positive test. He must advise any treating physician or dentist of his history of substance abuse, must abstain from psychoactive substances, and must not possess any controlled substance for his own use, unless prescribed by a treating physician or dentist for a documented medical condition. He is eligible to apply for a federal or state CDS registration, but if registered, he may prescribe or administer a controlled substance only for the purpose of bona fide patient care and only in the supervised setting approved by the Board. He may not prescribe or dispense any medication at all for himself or his family members. He consents to the automatic suspension of his license should the Board receive information, deemed reliable, demonstrating failure to comply with any of the conditions or a confirmed positive urine test showing relapse or recurrence of any form of substance abuse. EFFECTIVE DATE: July 12, 2000

CITRONENBAUM, Chaim, M.D., License No. 50945

CONSENT ORDER filed July 26, 2000. An Administrative Complaint and Notice of Hearing was filed seeking entry of an order revoking Dr. Citronenbaum's license to practice medicine and surgery in the State of New Jersey. The Administrative Complaint of 82 counts alleged that Dr. Citronenbaum had fraudulently and otherwise unlawfully submitted claims to various insurance carriers for medical services purportedly performed between 1991 and 1993 and alleged other violations of medical practice responsibilities regarding the diagnosis and treatment of patients and the maintenance of patient records. Dr. Citronenbaum denied the allegations and the matter was transmitted to the Office of Administrative Law for a hearing which is presently pending. In lieu of that hearing, the parties agreed to resolve this matter by means of this Consent Order. It has been agreed and ordered that on or before September 1, 2000, Dr. Citronenbaum shall surrender his license to practice medicine and surgery in the State of New Jersey. Said surrender shall be with prejudice to any future attempt to reinstate and shall be deemed a permanent revocation of his license in this State. He shall pay a \$50,000 penalty. **EFFECTIVE DATE:** July 26, 2000

D'ASCOLI, Bartholomew R., M.D., License No. 38354

FINAL ORDER OF DISCIPLINE filed July 3, 2000. On January 25, 2000, a Provisional Order of Discipline was filed with the New Jersey State Board of Medical Examiners based upon the Board's receipt of information indicating that on March 31, 1999, Dr. D'Ascoli pled guilty in US District Court, Eastern District of New York to one count of Income Tax Evasion. He was sentenced to imprisonment for four months and ordered to undergo at least three drug tests and perform 30 hours of community service per week during the first year of his supervised release and 20 hours during the second year. He was ordered to pay an assessment and fine totaling \$15,050. On or about April 17, 1999, the Board office received a letter from Dr. D'Ascoli in which he advised the Board that effective April 1, 1999, as a result of permanent ailments affecting both of his hands, he was closing his practice and requesting that his license be considered "retired." The Provisional Order allowed Dr. D'Ascoli the opportunity to respond to the Findings of Fact contained therein. His submission was reviewed by the Board and it was determined that further proceedings were not necessary. The Board has ordered that Dr. D'Ascoli's license to practice medicine and surgery in the State of New Jersey be suspended for five years. He may not practice in New Jersey until he has appeared before a committee of the Board to demonstrate his fitness to do so. Specifically, he would need to present evidence that any medical condition which would have an impact on his ability to practice with reasonable skill and safety has been ameliorated. Any medical practice in this State prior to such appearance shall constitute grounds for the automatic suspension of his New Jersey license. In addition, the Board reserves the right to place restrictions on his practice should his license be reinstated. **EFFECTIVE DATE:** July 3, 2000

FREE, Kevin, M.D., License No. 53324

ORDER filed June 26, 2000. The Board is satisfied that Dr. Free has complied with the conditions imposed by the Order Granting Restricted Licensure filed August 13, 1999. The Board has ordered that he be granted an unrestricted license to practice medicine and surgery in the State of New Jersey. **EFFECTIVE DATE:** June 26, 2000

GHANEM, Shahram, M.D., License No. 39615

FINAL ORDER OF DISCIPLINE filed July 11, 2000. A Provisional Order of Discipline was filed on January 11, 2000, based on the suspension of Dr. Ghanem's license in the State of California for sexual misconduct, gross negligence, repeated negligent acts and incompetence. The Provisional Order allowed Dr. Ghanem 30 days to respond to the Findings of Fact. In his response to the Board, he stated that he had not practiced medicine in New Jersey since 1985 and that he was under the impression that his New Jersey license had been automatically surrendered. He requested that he be allowed to voluntarily surrender his license. His submissions were reviewed by the Board and the Board determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board considered the gravity of his conduct in California and did not feel a voluntary surrender would be an appropriate disposition. Dr. Ghanem did not dispute the Findings of Fact. The Board ordered that Dr. Ghanem's license to practice medicine and surgery in the State of New Jersey be revoked. **EFFECTIVE DATE:** July 11, 2000

JAMISON, Robert W., D.O., License No. 33382

FINAL ORDER filed July 12, 2000. An Administrative Complaint was filed on November 26, 1996, alleging that during the period from approximately 1989 through at least 1996, Dr. Jamison undertook to provide interpretations of medical diagnostic tests including electrodiagnostic tests and thermographies at the behest of numerous referring practitioners,

Disciplinary Actions

typically chiropractic physicians. The Complaint alleged that: he did not examine the referred patients or obtain other appropriate and sufficient information to ascertain whether the requested testing was medically justified; his interpretative reports were undated and rubber-stamped without full patient identification; he failed to assure proper supervision of testing administered by unlicensed persons; he issued reports that relied upon subjective judgments of those unsupervised persons and falsely implied that he had personally attended and supervised the testing process; he failed to maintain data on which he had based his reports; he billed for services not rendered or billed for tests for which there was no data; he failed to establish practice procedures and protocols; and he failed to establish appropriate professional practices for quality control and accuracy. Financial improprieties alleged included professional and billing misrepresentations through unowned entities and also alleged unregistered corporate practice. Finally, the Complaint alleged impermissible payments for referrals. A hearing at the Office of Administrative Law commenced December 8, 1999. Dr. Jamison wished to resolve this matter without further proceedings. He pled no contest to the allegations of the Complaint and proposed the surrender of his license, which he understood would be deemed a revocation. The Board has accepted the surrender of Dr. Jamison's license to practice medicine and surgery in the State of New Jersey. Said surrender is to be deemed a revocation of his license. He was assessed a \$50,000 penalty. He must withdraw any and all claims pending before or expected to be submitted to any patient or insurance carrier for any form of diagnostic test. He must immediately arrange for dissolution of all general business corporations in which he holds a financial interest. Proof of such dissolution shall be provided to the Board within 30 days of entry of this Order. EFFECTIVE DATE: July 12, 2000

MILLER, Debbie, D.O., License No. 60463

ORDER GRANTING UNRESTRICTED LICENSURE filed July 19, 2000. On March 22, 2000, Dr. Miller testified before a committee of the Board in conjunction with her petition for removal of the restrictions placed on her license by a Consent Order she entered into with the Board on July 1, 1998. The Consent Order allowed her to return to practice in a residency program. It also required that she be monitored by the Physicians Health Program. Her petition for an unrestricted license was supported by the Physicians Health Program which submitted a position statement detailing her total compliance with her program of recovery. The Board has ordered that Dr. Miller be granted an unrestricted license to practice medicine and surgery in the State of New Jersey. EFFECTIVE DATE: July 19, 2000

PARKINSON, Dan W., M.D., License No. 50655

CONSENT ORDER filed July 7, 2000. A Verified Complaint had been filed alleging fraudulent and unlawful submission of claims to insurance carriers for medical services purportedly performed between October 4, 1991 and continuing to not later than February 9, 1993. An order was entered on May 7, 1997, granting partial summary decision on the Complaint and imposing disciplinary sanctions. The order was affirmed on appeal. The parties have agreed to the final resolution of this matter. Dr. Parkinson shall surrender his license to practice medicine and surgery in the State of New Jersey. Said surrender is to be with prejudice to any attempt to reinstate his license and shall have the effect of permanent revocation of licensure. He shall pay costs of \$50,000. This Consent Order is a final disposition of all allegations arising from the Complaint filed with the Board in this matter. EFFECTIVE DATE: July 7, 2000

PEYKAR, Ezzat O., M.D., License No. 45531 (97/Inactive)

FINAL ORDER OF DISCIPLINE filed July 13, 2000. A Provisional Order of Discipline was filed with the Board on March 20, 2000, based upon the Board's receipt of information that Dr. Peykar's license to practice medicine and surgery in the State of New York was revoked for professional misconduct. The New York action was based on a criminal conviction. He pled guilty to Medicare Fraud, a Class A misdemeanor, and was sentenced to two years' probation, four months of which were home confinement and he was ordered to pay a \$5,000 fine. The Provisional Order allowed Dr. Peykar 30 days to respond to the Findings of Fact. Dr. Peykar responded asserting that the New York decision was based on false statements from investigators, misconduct and bad faith. His submissions were reviewed by the Board and the Board determined that further proceedings were not necessary. The Board ordered that Dr. Peykar's license to practice medicine and surgery in the State of New Jersey be revoked. EFFECTIVE DATE: July 13, 2000

VOGEL, Barry M., M.D., License No. MA31014

INTERIM ORDER AS TO COMPLAINTS I AND II; FINAL ORDER AS TO COUNT 15, ORDER OF REVOCATION OF LICENSE filed July 12, 2000. A Verified Complaint was filed July 30, 1999, alleging numerous violations of statutes and regulations by Dr. Vogel. The Attorney General sought emergent relief, pending plenary trial on the

Disciplinary Actions

Complaint. An Amended Complaint was filed September 28, 1999, alleging additional causes of action, including violations. No answer was filed addressing either Complaint. The Attorney General filed a Supplemental Complaint alleging in Count 15 that Dr. Vogel was permanently incapable, for medical or other good cause, of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare. To accommodate privacy considerations of Dr. Vogel, a request was made for sealing of certain documents supporting the Supplemental Complaint. No opposition has been submitted to contest the allegations of the Supplemental Complaint. Dr. Vogel, through his attorney, offered to permanently surrender his license to practice in the State of New Jersey as well as in any other state in which he may be licensed. The Board has accepted the permanent surrender of Dr. Vogel's license to practice medicine and surgery in the State of New Jersey. Said surrender is deemed a revocation, effective retroactively to September 1, 1999. Regarding any electrodiagnostic testing alleged by Dr. Vogel to have been performed or interpreted, for which he had not yet billed as of this date, or billings for testing issued prior to that date which have not been paid as of the date of this Order, he shall forgo any attempt to collect for such alleged services and shall withdraw all claims for payment. He was assessed \$15,000 in investigative costs. Exhibits A, B, and C of the Supplemental Complaint are sealed and shall not be deemed a part of the public record. Dr. Vogel has been made aware that information regarding this matter has been referred to the Division of Criminal Justice. In light of the referral to the Division of Criminal Justice, adjudication of the remaining allegations of the Verified Complaint and Amended Complaint and any disciplinary sanctions applicable thereto shall be held in abeyance, without prejudice to either party, until the Division of Criminal Justice decides to forego any action against Dr. Vogel or completion of such prosecution of Dr. Vogel as shall be initiated by the Division of Criminal Justice. Should he seek reinstatement of his license based upon his return to mental capacity, and in the event such reinstatement is granted, he shall not practice medicine or surgery in any form. His reinstated license shall be deemed suspended pending completion of any prosecution by the Division of Criminal Justice which pends at the time of said license reinstatement and the completion of the administrative proceeding. This Order is intended to resolve only those issues raised by Count 15 of the Supplemental Complaint. EFFECTIVE DATE: September 1, 1999

ADMINISTRATIVE COMPLAINTS FILED DURING JULY

DAUITO, Ralph, MD, License No. 51448

ADMINISTRATIVE COMPLAINT filed July 11, 2000 – Alleging gross malpractice, gross negligence or gross incompetence in violation of N.J.S.A. 45:1-21(c).

SUSPENDED FOR FAILURE TO RENEW PURSUANT TO N.J.S.A. 45:1-7.1(b)

KIM, Bak Chul, M.D., License No. 30619

PATEL, Shashank C., M.D., License No. 39530

PLATZEK, Bruce Edward, M.D., License No. 28973

RATHI, Laxmikant, M.D., License No. 25625

UY, Ramona, M.D., License #32225

August 2000

COVILLE, Frederick, MD, License No. 54999

CONSENT ORDER filed August 28, 2000. Dr. Coville appeared before a committee of the Board in June 1997, and in October 1997 was offered the opportunity to enter into a Consent Order in which he would be permitted to resume practice but only in the employment of another physician and only with chaperones, and could not practice cosmetic surgery. Soon after the offer was made, he accepted a position in a plastic surgery fellowship at the clinic in the British Virgin Islands, although he had been told in advance this fellowship would not satisfy the Board's requirement that he take a residency in cosmetic surgery before being allowed to practice in that specialty. In August 1999, he again requested the Board to accept the fellowship in the Virgin Islands and the Board again denied his request. He then requested to be allowed to enter into a Consent Order embodying the terms offered him in 1997. The Board has ordered that he be permitted to practice medicine with restrictions. He may not perform cosmetic surgery procedures, although he may perform simple office surgery as suturing wounds, burn care, care of chronic diabetic ulcers, wart removal, removal of lesions and ligation of hemorrhoids. He may examine and treat female patients only in the presence of a chaperone. He must make his employer aware of this Consent Order and arrange to

Disciplinary Actions

have the employer report to the Board every three months confirming his continuing status as an employee and that he is being effectively chaperoned. He must notify any hospital where he has privileges of this Consent Order and its terms and must pay the balance of the money he owes to the Board within six months. EFFECTIVE DATE: August 28, 2000

EBERT, Ellen, MD, License No. MA43699

CONSENT ORDER OF VOLUNTARY SURRENDER OF LICENSURE filed August 28, 2000, with an effective date of July 25, 2000. The Board received information that Dr. Ebert had been referred to seek inpatient treatment for chemical dependence and major depression. Information was provided through the Physicians Health Program (PHP) that Dr. Ebert voluntarily agreed to cease practice and entered treatment at Marworth on July 25, 2000. Dr. Ebert has sought leave to voluntarily surrender her license to practice medicine and surgery in the State of New Jersey. The Board ordered that Dr. Ebert be granted leave and shall immediately surrender her license to practice medicine and surgery in the State of New Jersey for a minimum of six months from her entry into treatment at the Marworth facility. Said surrender shall be without prejudice. Upon successful completion of inpatient treatment and upon written application and approval of the Board, she may resume licensure activities restricted to laboratory research activities that do not involve patient contact. Prior to any restoration of license, she must appear before a committee of the Board to discuss her readiness to re-enter the practice of medicine and propose her plans for future practice. She must provide the Board with evidence that she is capable of discharging the functions of a licensee in a manner consistent with public health safety and welfare and that she is not then suffering from any impairment or limitation resulting from the use of controlled dangerous substances (CDS) which could affect her practice. She must also provide the Board with reports from each and every mental health professional who has participated in her care and/or treatment and reports from the Physician Health Program concerning the nature and extent of her involvement with the PHP. EFFECTIVE DATE: July 25, 2000

GUANZON, Noel Araneta, M.D., License No. 34858

FINAL ORDER OF DISCIPLINE filed August 7, 2000. Dr. Guanzon's license to practice medicine and surgery in the State of New Jersey is revoked. Action based upon the revocation of his license in the State of Ohio after a finding that his conduct constituted fraud, misrepresentation or deception in applying for or securing an Ohio license since he had failed to advise the Ohio Medical Board that his medical practice in the State of West Virginia was under investigation. By Consent Order, Dr. Guanzon had permanently surrendered his license to practice medicine in the State of West Virginia and agreed not to apply for such licensure in lieu of proceeding to a hearing on matters of his professional competence or professional conduct. A Provisional Order of Discipline was filed with the New Jersey Board on January 11, 2000 based upon the licensure actions in West Virginia and Ohio. This Provisional Order allowed Dr. Guanzon 30 days to respond to the Findings of Fact contained in the Order. No response was received from Dr. Guanzon in the time allotted. The Board ordered that his license to practice medicine and surgery in the State of New Jersey be revoked. EFFECTIVE DATE: August 7, 2000

LERNER, Marvin H., M.D., License No. 46693

ORDER GRANTING ADJOURNMENT AND PROHIBITING MEDICAL PRACTICE filed August 9, 2000. A Notice of Motion was filed with the Board seeking the temporary suspension of Dr. Lerner's license to practice medicine and surgery in the State of New Jersey. This is due to his failure to comply with the terms of a Board Order entered May 12, 2000, which required that he submit to neuropsychological testing within 30 days of entry of that Order. The attorney for Dr. Lerner requested an adjournment of the motion representing that no public safety issue existed because Dr. Lerner was not presently engaged in any medical practice in New Jersey. He provided a certification stating he had seen no patients since July 5, 2000. The Board considered the matter and is satisfied that the public interest and welfare can be protected by the entry of a formal Order precluding Dr. Lerner from engaging in any medical practice unless and until such time as the required testing is completed and a report of the testing is reviewed by the Board. The Board ordered that the Motion seeking temporary suspension be adjourned without a rescheduled date at this time. Said adjournment is expressly contingent upon Dr. Lerner's compliance. He shall refrain from engaging in, and is prohibited from engaging in, any practice of medicine or surgery in the State of New Jersey until such time as he submits to the neuropsychological examination and evaluation required by the Board and the Board has had an opportunity to review and consider this report. The entry of this Order shall in no way affect the scheduling of the administrative action pending in this matter, which case has been transmitted to and is under the jurisdiction of the Office of Administrative Law. EFFECTIVE DATE: August 9, 2000

NWANNA, Romanus O., M.D., License No. 50561

CONSENT ORDER filed August 24, 2000. The Board received information that Dr. Nwanna provided deficient medical care to a patient with resultant harm to the patient's child upon delivery, and on another occasion, he had abandoned his duties at Muhlenberg Regional Medical Center. The Board ordered that his license to practice medicine and surgery in the State of New Jersey be suspended for two years, starting on September 1, 2000, the first three months of which shall be an active suspension and the rest stayed to become probation. The suspension is based upon his failure to provide adequate prenatal care to patient A.T., failure to personally attend this high-risk patient at the hospital, failure to appropriately direct the care of his patient, failure to insure that he had a covering physician, and abandonment of his duties at Muhlenberg Regional Medical Center on January 7 and 8, 1996. He must satisfactorily complete, within the two years of his suspension, 48 hours of Board-approved continuing medical education courses in high-risk pregnancy. He must also satisfactorily complete, within the two years of his suspension, a Board-approved ethics course. He was assessed a penalty of \$5,000 and costs of \$124. At the end of probation, he must appear before a Committee for the purpose of discussing his compliance with this Order. **EFFECTIVE DATE:** September 1, 2000

PRAGER, Mark William, D.O., License No. 44702

FINAL ORDER filed August 7, 2000. The Board received information that Dr. Prager's license to practice medicine in the State of Virginia was placed on indefinite probation. He was prohibited from prescribing, administering or dispensing any Schedule II, III or IV controlled substances; required to complete a mini residency in proper prescribing; required to undergo a physical and comprehensive psychological evaluation; required to meet with a psychiatric consultant to the Board and prohibited from engaging in the practice of osteopathic medicine until such practice was approved by the Board. The Virginia order was based on findings that he had indiscriminately and excessively prescribed controlled substances; failed to maintain adequate documentation and medical records; failed to adequately investigate alternate treatment modalities, and failed to exercise good judgment in his prescribing of controlled substances. A Provisional Order of Discipline was filed with the New Jersey Board based on the Virginia action. Dr. Prager's response to the Provisional Order was reviewed by the Board which determined that the materials submitted did not merit further consideration as Dr. Prager did not dispute the Findings of Fact. The Board ordered that Dr. Prager's license to practice medicine and surgery in the State of New Jersey be suspended for two years. He may not practice in New Jersey until he has appeared before a committee of the Board to demonstrate his fitness to do so and submit proof that he has complied with the terms imposed by the Virginia Board. Any medical practice in New Jersey prior to said appearance shall constitute grounds for automatic suspension of his New Jersey license. The Board reserves the right to place restrictions on his license should it be reinstated. **EFFECTIVE DATE:** August 7, 2000

ROSENBERG, Paul Howard, M.D., License No. 58683

CONSENT ORDER OF VOLUNTARY SURRENDER OF LICENSE filed August 28, 2000. The Board received information from the Physicians Health Program (PHP) that subsequent to completing a two and one-half month treatment program for substance abuse on or about February 1999, Dr. Rosenberg has now tested positive for Dilaudid, a Schedule II controlled substance, thus establishing a relapse into substance abuse. The Board has ordered that Dr. Rosenberg be granted leave to immediately surrender his license to practice medicine and surgery in the State of New Jersey for a minimum of six months from entry of this Order. Prior to any restoration of his license, he must appear before a committee of the Board to discuss his readiness to reenter the practice and to propose his plans for future practice in New Jersey. He must provide the Board with evidence he is capable of discharging the functions of a licensee in a manner consistent with the public's health and safety and that he is not then suffering from any impairment which could affect his practice. He must provide the Board with reports from each/every mental health professional participating in his treatment and also provide a report from the Physicians Health Program detailing the nature and extent of his involvement with that entity. This Order is without prejudice to further action by this Board or other law enforcement entities resulting from the Respondent's conduct. **EFFECTIVE DATE:** August 28, 2000

SAUL, Stephen L., D.P.M., License No. 2479

CONSENT ORDER filed August 18, 2000. Dr. Saul had been monitored by the Physicians Health Program (PHP) and the Board's Impairment Review Committee as a result of his voluntarily seeking rehabilitation services for impairment. After subsequently twice testing positive for controlled substances, he sought and was granted permission to voluntarily surrender his podiatric license for a minimum of six months. On July 5, 2000, Dr. Saul petitioned the Board for reinstatement of his license

Disciplinary Actions

and demonstrated his compliance with all the terms and conditions for reinstatement contained in the Board's November 1999 Order. The Board ordered that Dr. Saul's license to practice podiatric medicine and surgery in the State of New Jersey be restored with conditions. He must abstain from all psychoactive substances unless prescribed by a treating physician for a documented medical condition. He must continue to participate in outpatient treatment until such time as the counselor and the Physicians Health Program agree that it is no longer needed. His therapist and the PHP are to report quarterly to the Board regarding his participation and compliance and immediately notify the Board of a relapse. He must submit to random urine monitoring for the next year and meet monthly with staff of the Physicians Health Program. EFFECTIVE DATE: August 18, 2000

TELLO-VALCARCEL, Carlos, M.D., License No. 47031

CONSENT ORDER filed August 3, 2000. The Board received an Adverse Action Report from Barnert Hospital in connection with Dr. Tello-Valcarcel's treatment of a patient. Barnert Hospital suspended his privileges based on a single incident in which a patient was admitted through the emergency room in the evening and not seen by the physician. The patient expired the next morning of a ruptured renal artery aneurysm. The investigation revealed that Dr. Tello-Valcarcel wrote an admission note for this patient after she expired. Throughout, he telephone managed his patient's care, committing repeated acts of negligence and gross negligence, by ordering a blood transfusion, by failing to respond to multiple cardiovascular episodes and by ordering pain medication for this patient. The Board found that his treatment of this patient failed to adhere to accepted standards of practice. The Board ordered that Dr. Tello-Valcarcel be reprimanded for violations of N.J.S.A. 45:1-21. Within six months of entry of this Order, he must enroll in and successfully complete a Board-approved ethics course. He was assessed a penalty of \$5,000 and costs of \$377.80. EFFECTIVE DATE: August 3, 2000

TING, Windsor, M.D., License No. 53453

ORDER GRANTING UNRESTRICTED LICENSURE filed July 13, 2000. The matter was first opened to the Board upon receipt of information that Dr. Ting had entered into an inpatient program for the treatment of an addiction problem and the subsequent voluntary surrender of his license in March of 1994. In a Consent Order filed February 1998, he was permitted to resume the practice of medicine with stringent restrictions. In October 1998, an Order was entered that eliminated those restrictions, but continued conditions on licensure. The Board records reflect that he has remained in total compliance with all requirements of those prior orders. In March 2000, he petitioned the Board for an unrestricted license without conditions. His petition was supported by the Physicians Health Program. The Board is satisfied that he has been totally compliant with his recovery regimen and ordered that he be granted an unrestricted license. EFFECTIVE DATE: July 13, 2000

VIVES, Amado, M.D., License No. 24715

CONSENT ORDER filed August 4, 2000, with an effective date retroactive to February 28, 2000. Dr. Vives appeared before the Medical Practitioner Review Panel regarding a recent diagnosis of peripheral neuropathy causing him to be unable to hold surgical instruments and other information regarding his professional practice. He advised the Panel that he had ceased practicing and desired to voluntarily retire his license to practice medicine and surgery in this State with prejudice to his seeking reinstatement in the future. The Board made no findings in this matter and is satisfied that Dr. Vives retirement is adequately protective of the public health, safety and welfare. EFFECTIVE DATE: February 28, 2000.

WITEK, Joseph T., Jr., M.D., License No. 28388

FINAL ORDER filed August 7, 2000. Dr. Witek's license to practice medicine and surgery in the State of New Jersey is revoked. Action based upon the revocation of his license in the State of New York for professional misconduct after a finding of falsely answering an application question concerning conviction of a crime. Dr. Witek had been convicted in Florida of knowingly and willfully operating a motor vehicle while under the influence. The New York Board found that he had again been convicted in Florida of hit and run, leaving the scene of an accident, and driving while under the influence with property damage or personal injury. A Provisional Order was filed with the New Jersey Board based upon the license revocation in New York. The Provisional Order allowed Dr. Witek 30 days to respond to the Findings of Fact. The Provisional Order was sent to Dr. Witek by regular mail and certified/return receipt to his last known address of record with the New Jersey Board. No response was received from Dr. Witek. The Board has ordered that Dr. Witek's license to practice medicine and surgery in the State of New Jersey be revoked. EFFECTIVE DATE: August 7, 2000

October 2000

ABDU-NAFI, Saladin A., M.D., License No. 45376

ORDER GRANTING UNRESTRICTED LICENSURE filed August 14, 2000. On May 24, 2000, Dr. Abdu-Nafi appeared and testified before a committee of the Board that he had maintained a drug-free state for more than five years, had satisfied all the requirements of his treatment plan and that he had vigorously pursued continuing medical education credits in his field. He was accompanied by a representative of the Physicians Health Program who supported his petition for an unrestricted license. The Board ordered that Saladin Abdu-Nafi, M.D., be granted an unrestricted license to practice medicine and surgery in the State of New Jersey effective upon the filing of this Order. EFFECTIVE DATE: August 14, 2000

BENITEZ, Olga, M.D., License No. 46218

FINAL ORDER OF DISCIPLINE filed October 11, 2000 with an effective date of September 13, 2000. A Provisional Order of Discipline was filed on March 20, 2000, seeking suspension of Dr. Benitez's license to practice medicine and surgery in the State of New Jersey. The Provisional Order was based on the suspension of Dr. Benitez's license in the State of New York after it was determined that she had committed professional misconduct by providing substandard care, ordering excessive tests for six patients, and submitted false and fraudulent billings. Dr. Benitez submitted numerous documents and certifications for Board consideration. After Board review, it was determined that further proceedings were not necessary. The Board would not go beyond the findings embodied in the New York action and determined a sufficient showing had been made by the materials submitted to merit further consideration regarding mitigating and aggravating circumstances for determination of the appropriate penalty. The Board ordered that effective September 13, 2000, the date of the hearing and oral announcement of the Order on the record, Dr. Benitez's license to practice medicine and surgery in the State of New Jersey be suspended for three years, the entirety of which is stayed to be served as probation. She must provide the Board with proof that she has fully attended and successfully completed courses in management of a medical practice, which includes coding, and a recordkeeping course. She must pay investigative costs which are to be determined. Upon proof that she has failed to comply with any provision of this Order, the stayed period of suspension shall be activated and the Attorney General may bring proceedings for further disciplinary action. EFFECTIVE DATE: September 13, 2000

BLITMAN, Maury Nelson, M.D., License No. 69458

ORDER OF UNRESTRICTED LICENSURE filed April 10, 2000. By letter dated January 15, 2000, Dr. Blitman sought an unrestricted medical license and provided an August 30, 1999 Order of Reinstatement from the Commonwealth of Pennsylvania. He now possesses an unrestricted Pennsylvania license. The Board recognized his more than seven years of sobriety and his success at retraining from the practice area of anesthesiology to internal medicine and finds that the licensure restrictions are no longer necessary to safeguard the public interest. The Board ordered that the Consent Order, filed on July 27, 1999, be terminated and Dr. Blitman be granted an unrestricted medical license. EFFECTIVE DATE: April 10, 2000

BLAIR, Georgia Rose, C.N.M., License No. 325

CONSENT ORDER PERMITTING AMENDMENT OF VERIFIED COMPLAINT filed September 1, 2000. The Attorney General sought leave to file an Amended Verified Complaint. The Board ordered that the Amended Verified Complaint be filed and served upon the parties and that Georgia Blair, CNM, shall answer such Amended Verified Complaint within 20 days. The Amended Verified Complaint stated that on July 14, 2000, despite her own admission of being aware that the Interim Consent Order prohibited scheduling or delivery of a schedule "B" patient without prior written consent of the Board, she delivered the baby of a schedule "B" patient at the patient's house. She notified the Board of this violation by correspondence attached to correspondence of counsel dated August 2, 2000. She acted in direct contravention of the Board Order of July 12, 2000 which constitutes professional misconduct. Georgia Blair, CNM, through counsel, filed an answer denying all allegations. She desired to resolve the pending issue on an interim basis so that she may avail herself of a plenary hearing at a later date. She agreed and the Board has ordered that she shall not schedule or participate in any antepartum, intrapartum, or postpartum care of any patient, except under the supervision of a certified nurse midwife or her designated substitute licensed to practice in the State of New Jersey who has been previously approved by the Board for such supervision. All intrapartum care rendered by respondent must be under the direct supervision of the approved supervising certified nurse midwife who shall be physically present during delivery. An approved supervising certified nurse midwife must review the antepartum and postpartum care of all patients, although direct supervision is not necessary. She shall meet face-to-face with

Disciplinary Actions

the approved supervising certified nurse midwife on a bi-weekly basis to review all patient charts in her caseload. Following each meeting, said approved supervisor shall submit a report to the Medical Director of the Board for delivery to the Certified Nurse Midwife Committee for review. She must adhere to ACNM guidelines and all New Jersey statutes and regulations concerning CNM care provisions and obligations to patients and all other requirements specified in this Second Interim Order. Any violation of this Second Interim Order shall result in the automatic suspension of her license. Any hearing shall be solely limited to whether she violated this Second Interim Consent Order. EFFECTIVE DATE: September 1, 2000

FORMAN, Lawrence S., D.O., License No. MB23106

CORRECTED CONSENT ORDER DENYING PETITION FOR REMOVAL OF SUPERVISION AND MODIFYING PREVIOUS ORDERS filed October 12, 2000. Dr. Forman petitioned the Board for removal of restrictions placed on his practice by the Order of Reprimand filed March 5, 1998. The Board carefully reviewed the information and denied Dr. Forman's petition. The Board determined that more education and continued monitoring with a different monitor would be appropriate. The Board ordered that he must take and complete an accredited CME I Family Medicine course receiving a "pass" evaluation, no later than December 31, 2000. He must also complete a Board-approved recordkeeping course no later than December 31, 2000. He shall promptly submit for Board approval the name of a new monitor, who shall be a New Jersey licensed physician and who will report quarterly to the Board as specified. The on-site presence of the new monitor shall be required no later than October 1, 2000, for all patients seen by Dr. Forman in New Jersey. Dr. Forman must meet with the Board's Medical Director at least twice during the first six months after entry of this Order, to review proper recordkeeping and documentation. This Order shall continue until further order of the Board. EFFECTIVE DATE: October 12, 2000

GIBBONS, Wayne L., M.D., License No. 38916

INITIAL DECISION/SETTLEMENT decided by Administrative Law Judge Jeff S. Masin on June 28, 2000 and CONSENT ORDER filed June 28, 2000. On January 12, 1998, an Administrative Complaint was filed which charged Dr. Gibbons with writing multiple prescriptions for controlled substances for five identified patients without maintaining medical records indicating the dates of visits, physician examination findings or treatment rendered. The Complaint also alleged that Dr. Gibbons pled guilty to making false and fraudulent statements to the United States Government, Office of Workers Compensation Program, and was sentenced on that charge to three years' probation and a \$10,000 fine. The final Count of the Complaint alleged that he was suspended from participation as a provider by the New Jersey Division of Medical Services and Health Assistance from the New Jersey Medicaid program, based on this conviction. The matter was transmitted to the Office of Administrative Law for a hearing which commenced on June 1, 2000. In lieu of completing the hearing, the parties agreed to settle this matter by means of a Consent Order wherein Dr. Gibbons admitted liability for the allegations which charge that he pled guilty to making false and fraudulent statements to the United States Government and was subsequently suspended by the New Jersey Medicaid Program. Dr. Gibbons also admitted liability for the allegations of deficiencies in maintaining accurate and adequate medical records. The allegations of indiscriminate prescribing of controlled dangerous substances were dismissed with prejudice because of insufficient evidence. Dr. Gibbons agreed to immediately surrender his license to practice medicine in New Jersey. Said surrender is to be with prejudice and deemed a revocation of his license. He may not reapply for medical licensure in New Jersey until he completes the requirements specified in this Consent Order. He was assessed investigative costs in the amount of \$7,511.44. EFFECTIVE DATE: June 28, 2000

KATZ, Michael Martin, M.D., License No. 50279

CONSENT ORDER GRANTING ADJOURNMENT AND PROHIBITING MEDICAL PRACTICE UNTIL PROCEEDINGS ON ORDER TO SHOW CAUSE filed October 11, 2000. A Verified Complaint and supporting documents were filed on September 28, 2000, seeking the temporary suspension of Dr. Katz's New Jersey license based on the emergent temporary suspension of his license in the State of New York on July 7, 2000. The New York Board alleged specific causes of action including alleged misconduct in the State of New Jersey. Dr. Katz has requested an adjournment of the current proceedings without admissions of liability and has represented that he will not engage in medical practice in this State until such time as the emergent proceedings are conducted before the Board on the rescheduled date. The Board ordered that an adjournment be granted on the following conditions. He shall refrain from engaging in, and is hereby prohibited from engaging in, any practice of medicine or surgery until such time as the emergent proceedings specified in the Order to Show Cause have been conducted before the New Jersey Board of Medical Examiners. "Practice," for the purpose of this Order, means any form of diagnosing, treating, operating, or prescribing for any human ailment, disease, pain, injury, deformity, mental or physical condition of a New Jersey patient, whether such conduct takes place within or outside of the geographic

borders of the State and includes practice in any medium of communication. The proceedings on the Order to Show Cause shall be conducted on Wednesday, November 8, 2000. He shall file an Answer to the charges in the Verified Complaint not less than ten (10) days prior to the rescheduled return date. EFFECTIVE DATE: October 11, 2000

LIPMAN, Clifford R., M.D., License No. 38121

CONSENT ORDER GRANTING RESTRICTED LICENSURE filed September 29, 2000. A Consent Order of Voluntary Surrender was filed with the Board on November 29, 1999, wherein Dr. Lipman surrendered his license due to a substance abuse relapse. The Physicians Health Program (PHP) submitted a petition for restoration of Dr. Lipman's license. Proofs submitted demonstrated that Dr. Lipman achieved a substantial period of drug/alcohol free sobriety, addressed the issues underlying his problems, and had been totally compliant with the requirements of the PHP and his therapist. The Board ordered that Dr. Lipman be reprimanded for his failure to provide the Board with accurate information on his biennial renewal form. His license was restored with restrictions. He may not have controlled dangerous substance (CDS) privileges. Any Board-approved practice/facility at which he acquires employment must maintain all CDS in a securely-locked storage container to which Dr. Lipman shall be denied access. He may not have access to any other physician's prescription pads. His physician supervisor must submit quarterly reports to the Board. He must abstain from the use of alcohol/controlled substances and prescription medications, unless prescribed by a treating physician who has been informed of his chemical dependence. He must continue participation, including random urine monitoring, with the PHP. PHP is to immediately inform the Board of any positive urine results or any violation of this Order. He must continue individual psychotherapy with quarterly reports to the Board. He must continue in aftercare treatment for at least a year. Within 45 days, he must have a complete physical examination from his primary physician and develop a thorough program to monitor any ongoing medical conditions. A report from such exam shall be forwarded to the Board. He consents to the automatic suspension of his license without notice for failure to comply with any of the conditions specified. EFFECTIVE DATE: September 29, 2000

SHARMA, Anil K., M.D., License No. 63404

ORDER OF MODIFICATION OF LICENSURE RESTRICTIONS filed August 16, 2000. Dr. Sharma, a Board-certified anesthesiologist, had begun participation in the Physicians Health Program and had entered an inpatient substance abuse treatment program. On April 30, 1999, Dr. Sharma entered into a Consent Order which allowed him to voluntarily surrender his license. By Order filed November 29, 1999, the Board reinstated his license on a limited basis. In May 2000, Dr. Sharma sought modification of the Order of Reinstatement of Limited License. The Physician Health Program sponsored his application and confirmed his compliance with the requirements of the earlier Order. The Board has ordered that Dr. Sharma be permitted to increase his work hours to 45 hours a week and that he be permitted to work in more than one ambulatory surgical care center more than one day a week. He is also permitted to attend the Toms River, Manahawkin and Manalapan surgical centers in his immediate geographic vicinity for half a day each, with these hours included in the 45 hours. All other terms and conditions of the Order of Reinstatement of License filed November 29, 1999, shall remain in effect. EFFECTIVE DATE: August 16, 2000

SUSPENDED FOR FAILURE TO RENEW

PURSUANT TO N.J.S.A. 45:1-7.1(b) AND ACTION TAKEN IN ANOTHER LICENSING JURISDICTION

ADAMS, EARL LEONARD, III, M.D., NJ License No. MA44360 (Lapsed 1987)

CHOPRA, SANJIV KUMAR, M.D., NJ License No. 45924 (Lapsed 1991)

GOLDBLUM, WARREN, D.O., LICENSE No. MB19962 (Lapsed 1995)

MARDER, GARY, D.O., NJ License No. MB45228 (Lapsed 1991)

RUNKE, LAWRENCE C., M.D., License No. MA37957 (Lapsed 1983)

SILBER, ARTHUR L., M.D., NJ License No. MA29114 (Lapsed 1977)

VUTLA, PRASAD V., M.D., NJ License No. MA34502 (Lapsed 1981)

Disciplinary Actions

November 2000

DRAESEL, Wayne R., M.D., License No. 39186

CONSENT ORDER filed November 27, 2000. The Board received information from the Physicians Health Program that Dr. Draesel admitted a relapse into a prior substance abuse problem, voluntarily ceased practice and entered into an inpatient treatment program on October 23, 2000. Dr. Draesel sought permission to voluntarily surrender his license without prejudice. The Board ordered that Dr. Draesel shall immediately surrender his license to practice medicine and surgery in the State of New Jersey for a minimum of three (3) months from the entry of this Order. Prior to any restoration of license, he must appear before a committee of the Board to discuss his readiness to re-enter practice and discuss plans for future practice in New Jersey. He must provide evidence that he is capable of discharging the functions of a licensee and that he is not then suffering from any impairment or limitation resulting from the use of cocaine, alcohol or any drug which could affect his practice; evidence he is not a habitual user of cocaine, alcohol, drugs or intoxicants and not engaged in professional misconduct; reports from each and every mental health professional who has participated in his care/treatment from the entry of this order to his appearance; a report from the Physicians Health Program detailing the nature and extent of his involvement, and a full account of his conduct during the time from entry of this order until his appearance. Entry of this Order is without prejudice to further action by this Board or other law enforcement entities resulting from his conduct prior to entry into any treatment facility pursuant to this Order. EFFECTIVE DATE: November 27, 2000

ENRICO, Anthony Jr., DPM, License No. 1723

CONSENT ORDER filed November 9, 2000. Dr. Enrico was reprimanded for engaging in excessive and inappropriate billing practices in connection with his treatment of patient, E.A. Specifically, it was alleged that he had billed \$19,000 to this patient for a bilateral bunionectomy and orthoplasties. He was assessed \$2,500 penalty and \$75 in investigative costs. EFFECTIVE DATE: November 9, 2000

GANGEMI, Frederick, D., License No. 43402

CONSENT ORDER filed November 9, 2000. In June, 2000, Dr. Gangemi, accompanied by a representative of the Physicians Health Program, appeared before a committee of the Board to discuss his application for reinstatement of licensure privileges which had been temporarily suspended on September 8, 1999, pending resolution of criminal charges stemming from his arrest on charges of illegal drug possession. He testified he had successfully completed a 12-week treatment program, meets with his CADIC counselor twice a week, participates in group and individual therapy, and periodically meets with the Physicians Health Program. He also testified that he pled guilty to one count of possession of marijuana and one count of possession of cocaine. He was sentenced to three years' probation and a program of drug and alcohol testing. The Board ordered that Dr. Gangemi be reprimanded for the criminal conduct which gave rise to his conviction. His license is reinstated subject to restrictions set forth in this order. His license is suspended for six months, which suspension was stayed to be served as probation concurrently with these restrictions. He must successfully undertake 200 hours of Board-approved, nonmedical community service within 12 months of entry of this order. He was assessed costs of \$1,780.81. He shall practice medicine solely at the Department of Physical Medicine and Rehabilitation Medicine at Columbus Hospital in Newark, New Jersey, at the Department of Physical Medicine and Rehabilitation Medicine at Clara Mass Hospital in Belleville, New Jersey, or at the office of Dr. Monir N. Fahmy. At each location, he shall practice under Dr. Fahmy's direct supervision. He shall not accept any other medical employment absent the Board's prior approval. Dr. Fahmy agrees to notify the Board within 24 hours of any indication that Dr. Gangemi has relapsed into drug or alcohol abuse. He is not permitted to prescribe any controlled dangerous substances pending further order of the Board. He may apply for relief from the restrictions no sooner than 12 months from the filing date of this Order. Any application is to be accompanied by proof of compliance. He will be required to appear before a committee of the Board at that time. He must adhere to the monitoring program established by Physicians Health Program (PHP) to include but not be limited to the conditions specified in this Order. PHP shall report quarterly to the Board on Dr. Gangemi's progress in recovery with immediate notification of any evidence of relapse or non-compliant behavior. EFFECTIVE DATE: November 9, 2000

GERSON, Benjamin, M.D., License No. 37291

ORDER filed November 6, 2000. On January 28, 2000, the Board filed a Final Order which reprimanded Dr. Gerson for the action taken against his licensure privileges in Massachusetts. The Massachusetts Board had reprimanded Dr. Gerson

for his purchasing and prescribing practices for controlled dangerous substances. They assessed a penalty and required completion of 50 hours of continuing medical education in pharmacology, prescribing and recordkeeping. Our Final Order required that, prior to any active practice in the State of New Jersey, Dr. Gerson must appear before a committee of this Board to demonstrate his compliance with the requirements of the Massachusetts Board. Dr. Gerson appeared and the Board found that he has fulfilled all the requirements of the Massachusetts Order and ordered that his license to practice medicine and surgery in the State of New Jersey be restored without restriction. EFFECTIVE DATE: November 6, 2000

LOUISSAINT, Paraclet S., M.D., License No. 45798

CONSENT ORDER filed November 22, 2000. The Board received information that Dr. Louissaint had been arrested for the improper disposal of medical waste, following recovery from his office of fetal remains by Newark sanitation workers. Respondent resolved the outstanding criminal charge of illegal disposal of medical waste by entering Pretrial Intervention. During his appearance before a committee of the Board, he testified that a patient suffered a spontaneous abortion and that he had placed the fetus in a plastic bag, failed to file a death certificate and had failed to register as a medical waste generator. In the weeks after his arrest, he registered as a medical waste generator and remains properly registered at this time. The Board noted that he has successfully completed the 50 hours of nonmedical community service and has taken steps to remediate the violation of the medical waste generation statute. The Board has ordered that he be reprimanded for his failure to appropriately dispose of fetal remains, sign a death certificate and register as a medical waste generator. Dr. Louissaint's license is to be suspended for a period of one year, with the first three months an active suspension and the remainder stayed to be served as probation. (Active suspension is to commence on January 1, 2001, and terminate on March 31, 2001.) He was assessed a \$7,500 penalty and costs of \$1,862.70. As a condition of probation, within 18 months following entry of this Order, he must successfully complete a Board-approved ethics course, a Board-approved course on controlled dangerous substances with a medical recordkeeping component, and a Board-approved course in medical waste disposal. He must also complete the SPEX examination with a passing score of 75 (scaled) or better and provide the results to the Medical Director of the Board. EFFECTIVE DATE: November 22, 2000

NATH, Prem, M.D., License No. 34597

FINAL ORDER OF DISCIPLINE filed November 6, 2000. By Consent Agreement and Order effective November 11, 1998, before the New York State Department of Health, State Board of Professional Medical Conduct, Dr. Nath entered into an agreement where his New York license was suspended for 36 months, with nine months being active and the remainder stayed to be served as probation and 500 hours of community service. Upon reinstatement of his New York license, he must serve five years' probation practicing only under the supervision of a physician-monitor, is permanently barred from engaging in any form of pain management practice, and must complete 30 hours of a continuing medical education program in medical record documentation and the principles of family medicine each year for three years. Dr. Nath was also assessed \$25,000 in civil penalties. Based on the New York action, a Provisional Order of Discipline was entered with the New Jersey Board suspending his license to practice medicine in New Jersey. Dr. Nath submitted a request for modification of the Provisional Order. He did not dispute the Findings of Fact or Conclusions of Law. His submissions were reviewed by the Board which determined no material discrepancies had been raised with respect to the underlying basis for action and further proceedings were not necessary. The Board ordered that Dr. Nath's license to practice medicine and surgery in New Jersey be indefinitely suspended until such time as respondent has complied with the terms of the New York Order. Prior to commencing the practice of medicine in New Jersey, he must appear before a committee of the Board to demonstrate full compliance with the New York Order and his fitness to practice in this State. Any practice in New Jersey prior to his receipt of the New Jersey State Board of Medical Examiners written authority to do so shall be deemed the unlicensed practice of medicine and Dr. Nath shall be subject to appropriate discipline by the Board. EFFECTIVE DATE: November 6, 2000

RAJAKUMAR, Ratnasabapathy, M.D., License No. 58914

CONSENT ORDER filed November 9, 2000. Dr. Rajakumar petitioned the Board for an unrestricted license to practice medicine and surgery in the State of New Jersey. Per Final Order of the Board filed January 13, 2000, Dr. Rajakumar's New Jersey license had been suspended for three years, all of which was stayed to be served as probation. This action was based upon the three-year stayed suspension of his license in the State of Massachusetts for engaging in inappropriate and unprofessional behavior by making sexual advances and comments toward female colleagues and for lying on his 1994 Board renewal form as well as employment applications. The New Jersey Final Order required that he not practice in New Jersey until he appeared before a committee of the Board to demonstrate his fitness to practice and his compliance with the terms

Disciplinary Actions

imposed by the Massachusetts Board. On March 15, 2000, Dr. Rajakumar appeared before a committee of the Board and provided information that he had fulfilled the terms of the Massachusetts Order. The Board has ordered that Dr. Rajakumar's license to practice medicine and surgery in the State of New Jersey be restored subject to the following conditions. He shall continue in his weekly group therapy sessions and ensure that quarterly reports on the nature and quality of his participation are provided to the Board. He intends to commence employment with Dr. Parminder J. Sandhu. He must notify the Board if he changes employers. EFFECTIVE DATE: November 20, 2000

SINHA, Binod P., M.D., License No. 42572

FINAL DECISION AND ORDER filed November 22, 2000, with an effective date of November 11, 2000. The matter was opened to the New Jersey Board of Medical Examiners on an application for temporary suspension of Dr. Sinha's license to practice medicine. A six-count Verified Complaint alleged conduct constituting gross and/or repeated acts of negligence, malpractice or incompetence, preparation of false or altered patient records, professional misconduct, failure to comply with protocols and/or accepted standards of practice, and that he should be deemed a subsequent offender in having been previously disciplined by the Board. The matter was referred to the Office of Administrative Law on December 11, 1997. The Initial Decision was issued on June 12, 2000. On October 11, 2000, after arguments and evidence provided, the Board announced its decision to modify the administrative law judge's disposition. The Board ordered that, effective November 11, 2000, Dr. Sinha's license to practice medicine and surgery in the State of New Jersey be suspended for three years, with a period of not less than six months to be served as an active suspension, during which time he shall complete Board-approved courses in ethics and recordkeeping. He must also submit to an independent competency assessment conducted by an entity approved by the Board, which shall make recommendations for additional training if it is deemed necessary. At the conclusion of at least six months, he may apply to the Board for restoration of practice privileges. At such time, the Board will review the record with respect to competency assessment and make a determination as to any training, practice limitations or supervision. He was assessed a penalty of \$17,500 and investigative costs of \$29,925. EFFECTIVE DATE: November 11, 2000

SKRZYPCZAK, Marek J., M.D., License No. 47274

CONSENT ORDER filed November 27, 2000. An investigation was conducted into Dr. Skrzypczak's practice regarding the prescribing of controlled dangerous substances (CDS) as part of the medical treatment rendered to bariatric patients. He advised the Board that he has permanently ceased the practice of bariatrics and agreed to refrain from practicing medicine in an unorthodox setting, having recently opened a new office for the practice of general medicine. The Board ordered that Dr. Skrzypczak be reprimanded for inappropriate prescribing for a bariatric patient; failure to procure a controlled dangerous substance (CDS) registration for his practice location; and inadequate recordkeeping. He was assessed a \$10,000 penalty and investigative costs of \$9,544.33. Within one year, he must successfully complete a Board-approved recordkeeping course and must complete 25 hours of continuing medical education in internal medicine. EFFECTIVE DATE: November 27, 2000

STROGOV, Emilia, D.P.M., License No. MD1983

ORDER filed November 22, 2000. By Consent Order effective May 7, 1996, Dr. Strogov's license to practice podiatry in the State of New Jersey was suspended based upon the suspension of her license in the State of New York. Dr. Strogov petitioned the Board for reinstatement of her license, submitted proof that she had completed the Board required course, and demonstrated that she is competent to practice podiatry. The Board ordered that Dr. Strogov's license to practice podiatry in the State of New Jersey be reinstated without restriction. EFFECTIVE DATE: November 22, 2000

YEDIDSION, Davoud, M.D., License No. 39042 a/k/a David Yedidsion, M.D.

FINAL ORDER OF DISCIPLINE filed November 22, 2000. Dr. Yedidsion's license to practice medicine and surgery in the State of New Jersey is revoked. This action is based upon the suspension of his license in the State of California after a May 1997 federal grand jury indictment charging 20 counts of mail fraud. Dr. Yedidsion pled guilty to 10 counts of the first indictment and both counts of the second indictment. He was sentenced to 24 months' imprisonment, a \$50,000 fine and restitution to the Department of Health in the amount of \$331,000. A Provisional Order of Discipline was filed March 20, 2000, which allowed Dr. Yedidsion 30 days to respond to the Findings of Fact contained therein. Dr. Yedidsion responded through counsel. The Board reviewed his response and determined further proceedings were not necessary since no material discrepancies had been raised. EFFECTIVE DATE: November 22, 2000

ADMINISTRATIVE COMPLAINTS FILED

Johnny R. Larsen, D.O., License No. 53911
Alan E. Ottenstein, M.D., License No. 51042

AMENDED ADMINISTRATIVE COMPLAINT FILED

Michael Martin Katz, M.D., License No. 50279

December 2000

BHOPALE, Vishwas Govind, M.D., License No. 24492

FINAL ORDER OF DISCIPLINE filed December 8, 2000. The Board received information that Dr. Bhopale's license to practice medicine in the State of North Dakota had been placed on probation. The Complaint alleged that he had engaged in a continued pattern of inappropriate care. He was ordered not to perform any bowel surgery, parathyroid surgery, thyroid gland surgery or laparoscopic appendectomy except in the presence of an assisting surgeon approved by the Board. He was ordered to participate in an education assessment and successfully complete all recommended courses of study and complete a medical record-keeping course. A Provisional Order was filed with this Board which allowed Dr. Bhopale 30 days to respond to the Findings of Fact. Dr. Bhopale responded. The Board considered his response and concluded that the admissions to the North Dakota Board which established grounds for their action had been reduced from four cases to three. The New Jersey Board concluded that the amended North Dakota action remained sufficient to sustain action by this Board. The Board ordered that Dr. Bhopale's license to practice medicine and surgery in the State of New Jersey is suspended for one year. He may not practice in New Jersey until he has appeared before a committee of the Board to demonstrate his fitness to do so and submit proof that he has complied with the terms imposed by the North Dakota Board. Any medical practice in New Jersey prior to said appearance shall constitute grounds for automatic suspension of his license. The Board reserves the right to place restrictions on his license should it be reinstated. **EFFECTIVE DATE: December 8, 2000**

BRIGHAM, Steven Chase, M.D., License No. 51068

CONSENT ORDER filed December 7, 2000. The Board office received information that Dr. Brigham had been convicted in New York State for failure to file corporate tax returns. The Board found that his conviction in New York supported a finding that he had been convicted of a crime or offense relating adversely to the activity regulated by this Board. The Board ordered that Dr. Brigham be reprimanded for violation of N.J.S.A. 45:1-21(f). He was ordered to pay costs in the amount of \$145.87. **EFFECTIVE DATE: December 7, 2000**

CALLE, Stuart C., M.D., Unlicensed

CONSENT ORDER GRANTING RESIDENCY TRAINING PERMIT WITH CONDITIONS filed December 24, 2000. Dr. Calle submitted an application for a plenary medical license and a training permit to participate in a Pediatrics Residency Training Program at the University of Medicine and Dentistry of New Jersey (UMDNJ). Documentation from Dr. Calle's prior training position in general surgery contained derogatory information in that there were serious irregularities of documentation, staff or patient complaints and that he had been placed on probation. However, there have been no documented incidents of inappropriate conduct since November 1999. Dr. Calle appeared before the Credentials Committee of the Board and asked the Board to grant him a residency permit allowing him to complete his training in New Jersey. He also provided a notarized document withdrawing with prejudice his application for a plenary license to practice medicine and surgery in the State of New Jersey. The Board balanced his residency training history and his recent improvements as a third year pediatric resident and found that, in the supervised environment of an accredited training program, with required reporting to the Board, his continued practice does not present a risk to the public. The Board has ordered that Dr. Calle be granted a residency permit to practice solely within the context of a pediatric residency program at UMDNJ, with monthly evaluation reports from the chairman of the pediatrics residency program of UMDNJ to the Medical Director of the Board. Dr. Calle's application for a plenary license to practice medicine and surgery in the State of New Jersey is withdrawn with prejudice, precluding him from making reapplication in this State at any time in the future. **EFFECTIVE DATE: December 24, 2000**

Disciplinary Actions

CHATTERJEE, Minakshi, M.D., License No. 41802

CONSENT ORDER filed December 6, 2000. The Board received information from the Physicians Health Program (PHP) concerning a relapse of Dr. Chatterjee's bipolar disorder, which is again under medical control and supervision. Dr. Chatterjee has had a long history of bipolar disorder. In October 1994, she entered into a Consent Order with this Board wherein she agreed to voluntarily surrender her license pending an appearance before the Board. Her license was reinstated in March of 1995 but lapsed in June 1995 when she failed to renew her license. Her license was then automatically suspended pursuant to N.J.S.A. 45:9-6.1 when she took no affirmative steps to place her license in the "inactive" status. Dr. Chatterjee lives and works in Pennsylvania. She has advised this Board that she does not intend to seek renewal of her New Jersey license. The Board has granted her leave to surrender her license. Should she seek restoration of her license, she must appear before a committee of the Board to demonstrate her fitness. **EFFECTIVE DATE:** December 6, 2000

DOLIN, Michael, M.D., License No. 27680

FINAL ORDER OF DISCIPLINE filed December 19, 2000. On or about November 14, 1994, by Stipulation and Order of the New York State Department of Health, it was found that on at least 45 occasions between January 1991 and November 1992, Dr. Dolin had prescribed over 8,000 Percocet tablets to one patient, an addict or habitual user, had failed to maintain appropriate patient records, and had failed to maintain safe and secure measures to assure against loss, destruction, theft or unauthorized use of official New York prescription forms. During this period, 43 official prescriptions forms, issued to Dr. Dolin, were forged to unlawfully obtain at least 7,250 Percocet tablets. In September 1995, he consented to entry of an order agreeing to a four-year period of probation. The probation was stayed until such time as he practices medicine in New York. In May 1998, he signed a Consent Order with the North Carolina Medical Board which reprimanded him for providing false statements in connection with his applications for a North Carolina license. In February, he returned to New York from North Carolina and engaged in the practice of medicine in violation of the terms of the 1994 New York Consent Order of probation. An Amended Statement of Charges was filed in New York and in May 1999, the New York Board for Professional Medical Conduct revoked Dr. Dolin's license to practice medicine in that State. On October 3, 2000, a Provisional Order of Discipline was filed with this Board which allowed Dr. Dolin 30 days to respond to the Findings of Fact contained therein. His response, through counsel, was reviewed by the Board which determined further proceedings were not necessary. While the facts raised regarding his personal circumstances were unfortunate, they did not provide valid reasons for his improper conduct. The Board ordered that Dr. Dolin's license to practice medicine and surgery in the State of New Jersey be revoked. **EFFECTIVE DATE:** December 29, 2000

EISENSTEIN, Bernard, M.D., License No. 11388

INTERIM ORDER OF TEMPORARY LIMITATION OF LICENSE filed December 20, 2000, with an effective date of December 13, 2000. A Verified Complaint was filed by the Attorney General alleging that Dr. Eisenstein had engaged in kissing, inappropriate sexually oriented touching of and comments to one patient, inappropriate sexually oriented touching of and comments to a second patient and sexual harassment consisting of touching and kissing of one employee. A hearing regarding an Application for Temporary Suspension of his license was scheduled on December 13, 2000. Dr. Eisenstein denied the allegations of the Verified Complaint, without any admissions, but agreeing on the record to the presence of a chaperon with him during all times he is in the presence of patients. The Board, over the objection of the Attorney General, determined that this Order adequately protects the public and that his agreement obviates the need for further hearing at this time. The Board has ordered that during all examinations of patients, Dr. Eisenstein must be chaperoned in the same room by a Board-approved licensed R.N. or L.P.N. The chaperon shall agree to immediately report any observations or reports that Dr. Eisenstein saw any patient without a chaperon present in the room or that verbal or physical impropriety of a sexual nature on the part of Dr. Eisenstein with either a patient or an employee occurred. Each chaperon shall also report bi-weekly to the Medical Director of the Board. **EFFECTIVE DATE:** December 13, 2000

EMBRIANO, Peter James, M.D., License No. 37026 (93/Lapsed)

FINAL ORDER OF DISCIPLINE filed December 18, 2000 The Board received information that charges were filed against Dr. Embriano in U.S. District Court, District of Connecticut, charging him with one count of mail fraud, one count of making a false claim and one count of filing a false tax return. In June 1998, he pled guilty to three counts of mail fraud, making false claims and submitting false tax returns. He was sentenced to six months in jail followed by three years of supervised release. He was to participate in substance abuse and mental health treatment programs, to complete 300 hours of community service and to pay restitution, fines and the monthly costs of incarceration for supervision. He agreed to pay the United States

\$700,000 and to be excluded from participation in Medicare, Medicaid and all other federal health care programs for five years. He surrendered his license to practice medicine in Connecticut and his Rhode Island license was suspended. A Provisional Order was filed with this Board on July 19, 2000, which required Dr. Embriano's response within 30 days. He submitted a request for modification of the Findings of Fact. He did not dispute the facts involving health care fraud and filing false tax returns. His submissions were reviewed by the Board which determined further proceedings were not necessary in that no material discrepancies had been raised. The Board ordered that Dr. Embriano's license to practice medicine and surgery in the State of New Jersey be revoked. EFFECTIVE DATE: December 18, 2000

GORDON, David Lee, M.D., Unlicensed

FINAL ORDER OF DENIAL OF LICENSURE filed December 8, 2000. During the license application process, this Board reviewed documentation concerning Dr. Gordon's entering a guilty plea in New York Supreme Court for Queens County in October 1992 to grand larceny, second degree. He was sentenced to one to three years of incarceration and to \$500,000 in restitution. He was excluded from participating in the Medicaid/Medicare programs for 10 years. His New York license was revoked on February 13, 1995, based on his conviction. A Provisional Order of Discipline was filed with this Board which allowed Dr. Gordon 30 days to respond to the Findings of Fact. Dr. Gordon did respond. His submissions were reviewed by the Board which determined that further proceedings were not necessary in that no material discrepancies had been raised. In the eight years since his conviction, he has not satisfied any portion of his restitution obligation. The Board did not view his professed desire to satisfy his restitution obligation as a basis for granting licensure. The Board ordered that Dr. Gordon's application for licensure to practice medicine and surgery in the State of New Jersey be denied. EFFECTIVE DATE: December 8, 2000

HITMAN, Alfred, Unlicensed

ORDER filed in Superior Court of New Jersey, Chancery Division, Essex County, Docket No. C-326-00. An Order to Show Cause and Verified Complaint were filed by the Attorney General seeking temporary restraints and an inspection of the premises. After reviewing the Verified Complaint and supporting documents, the Court found good cause existed for entry of temporary restraints and inspection. Mr. Hitman admitted that he had used the title doctor when he treated patients and that he is not licensed by the State of New Jersey to engage in the practice of medicine and surgery. The Court ordered that Mr. Hitman be permanently enjoined from engaging in or holding himself out as engaging in the practice of medicine and surgery and from using the title or designation "doctor" or "ND" or Naturopathic Physician" or any other title denoting licensure until he is duly licensed by the Board of Medical Examiners to do so. He is also permanently enjoined from engaging in any unconscionable commercial practice, fraud, deception, false promise, false pretense or misrepresentation including but not limited to falsely representing himself as a doctor or using any title implying that he is authorized to practice medicine, examining, diagnosing or recommending supplements in violation of the Consumer Fraud Act. Within 10 days of entry of this Order, he must prepare letters, to be approved by the Attorney General, to each of the 76 consumers/patients whose records were obtained by the Division of Consumer Affairs. The letters will advise each person that he is not licensed to practice medicine and how to obtain his or her records. He was ordered to pay restitution of \$209 to patient V.S. and was ordered to pay \$20,000 penalty in 36 monthly installments. In the event he pays \$10,000 of the penalty plus interest and complies with the terms of the Order, the remaining \$10,000 penalty plus interest shall be waived. He was assessed costs in the amount of \$7,383.52, also to be paid in 36 monthly installments. (See paragraph number 7 of the Order for the payment schedule). This Order shall not preclude any other consumer from seeking restitution from Alfred Hitman. The Enforcement Bureau shall retain the 76 original records unless/until requested by the consumer, the appointment book, advertisements and supplements. These items shall be retained for one year and will then be destroyed. EFFECTIVE DATE: December 5, 2000

IMPERIAL, Roland, M.D., License #22793 (91/Lapsed)

FINAL ORDER OF DISCIPLINE filed December 21, 2000. The Board received information that Dr. Imperial's license to practice medicine and surgery in the State of Maryland had been suspended on September 22, 1999, for failure to meet appropriate standards of care and failure to maintain adequate patient medical records. The Maryland Board found his continued practice posed a grave risk and imminent danger to the citizens of Maryland. The Maryland Board also found that he was guilty of unprofessional conduct in that he failed to cooperate with a lawful investigation. On or about February 28, 2000, the New York Board took action against his New York license based on the Maryland action. A Provisional Order was filed with this Board on July 18, 2000 which allowed Dr. Imperial 30 days to respond to the Findings of Fact. No response was received from Dr. Imperial. The Board has ordered that Dr. Imperial's license to practice medicine and surgery in the State of New Jersey be suspended indefinitely. EFFECTIVE DATE: December 21, 2000

Disciplinary Actions

JAVDAN, Parviz, M.D., License No. 39070 (01/Active)

FINAL ORDER filed December 13, 2000. A Provisional Order of Discipline was filed with the New Jersey State Board of Medical Examiners based on its receipt of information that on or about April 13, 1999, Dr. Javdan entered into a Consent Agreement and Order in the State of New York wherein his license to practice medicine in New York was suspended for 21 months, all stayed on condition that he pay a fine of \$2,500.00. He had admitted guilt to negligence on more than one occasion in that he failed to obtain an adequate history; failed to perform an adequate physical examination; failed to update the history and current complaint of a colonoscopy patient and failed to review appropriate medical records on that patient prior to undertaking the colonoscopy. Dr. Javdan's response to the Provisional Order was reviewed by the Board. The Board adopted all Findings of Fact and Conclusions of Law set out in the Provisional Order but have reconsidered the question of penalty to be imposed. The Board ordered that Dr. Javdan's license to practice medicine and surgery in the State of New Jersey be suspended for a period of 21 months. The entirety of the suspension is to be stayed and served as probation. Prior to engaging in any further practice of medicine in the State of New Jersey, he must appear before a committee of the Board to demonstrate his compliance with all practice conditions imposed by the State of New York. In the event the stay of respondent's suspension in the State of New York is vacated and/or his New York license is actively suspended for failure to comply with their order, the stay of the 21-month suspension ordered herein will be rescinded and he will be required to serve a 21-month active period of suspension in the State of New Jersey. **EFFECTIVE DATE: December 13, 2000**

KATZ, Michael Martin, M.D., License No. 50279

CONSENT ORDER CONTINUING ADJOURNMENT AND PROHIBITING MEDICAL PRACTICE IN NEW JERSEY UNTIL FURTHER ORDER OF THE BOARD filed December 1, 2000. This Order addresses continued matters and new matters beyond those addressed in the Order filed by consent on October 11, 2000, with the Board. By informal motion dated November 22, 2000, Dr. Katz has requested an additional adjournment on the same conditions pending the expected issuance of a decision in the New York State disciplinary proceedings by the Office of Professional Medical Conduct. On November 6, 2000, the Commissioner of the New York State Health Department issued an Order affirming and adopting the unanimous Interim Report of the Hearing Committee which conducted the now-completed testimonial phase of the New York proceedings. The Order finds that the continued practice of medicine in the State of New York by Dr. Katz constitutes an imminent danger to the health of the people of that State and continues in effect the July 7, 2000 Order suspending Dr. Katz's New York license until a final determination has been made by the Committee. Additionally, on November 27, 2000, the Attorney General of New Jersey filed an Amended Complaint alleging numerous causes of action against Dr. Katz involving alleged gross malpractice and gross incompetence in his treatment of New Jersey patients. In light of this background, and recognizing that Dr. Katz shall continue to be prohibited from engaging in any form of medical practice in the State of New Jersey until further Order of the Board, he consented to the entry of this Order prohibiting such practice without admission of liability at this time. The Board hereby grants the third request of Dr. Katz for an adjournment of the hearing on this matter until further Order of the Board. Until further Order of the Board, he shall continue to refrain from, and is prohibited from engaging in, any practice of medicine or surgery in the State of New Jersey as specified in the October 11, 2000 Board Order. He shall file an Answer to the charges contained in the Verified Complaint and the Amended Complaint within ten days of service. **EFFECTIVE DATE: December 1, 2000**

LOCK, Abraham J., M.D., License No. MA41457

FINAL ORDER OF DISCIPLINE filed December 28, 2000. Dr. Lock's New Jersey license was automatically suspended in 1997 based on his failure to renew his license and an action taken against him in administrative court by New York Medicaid in 1993. He had been found guilty in an administrative law court of committing unacceptable practices, i.e. fraud or abuse, after a determination that his bookkeeping did not comport with applicable standards, constituting professional fraud and grossly negligent failure to comply with federal, state or local laws, rules or regulations. In April 1995, the New York Supreme Court convicted Dr. Lock, upon a guilty plea of grand larceny. He was sentenced to time served and restitution of \$200,000. In June 1999, he admitted guilt to both the administrative and criminal findings against him and his New York license was suspended for five years with the suspension stayed to be served as probation. His admission of guilt to administrative and criminal charges brought against him in New York as well as the five-year stayed suspension of his New York license provide grounds for the suspension of his New Jersey license. On October 24, 2000, a Provisional Order of Discipline was filed with this Board based upon the actions taken in the State of New York. Dr. Lock was given 30 days in which to submit a written response to the Findings of Fact contained in the Provisional Order. Dr. Lock's submissions were reviewed by the Board and the Board determined no further proceedings were necessary in that no material discrepancies had been raised. The

Disciplinary Actions

Board noted Dr. Lock did not address the previous crime of which he was convicted but instead alleged that he performed secret good acts for which he should be given credit. His admission of guilt to administrative and criminal charges brought against him in New York, as well as the five-year suspension of his New York license, provided grounds for the suspension of his New Jersey license. The Board ordered that his license to practice medicine and surgery in the State of New Jersey be suspended for five years. Prior to resuming active practice in this State, he must appear before a committee of the Board to demonstrate his fitness to practice. Any practice in this State prior to such appearance shall constitute grounds for the charge of unlicensed practice. The Board reserves the right to place restrictions on his license should it be reinstated. EFFECTIVE DATE: December 28, 2000

MCKINNEY, Laurence Timothy, M.D., License No. 40572

FINAL ORDER OF DISCIPLINE filed December 4, 2000. The Board received information that Dr. McKinney had been indicted in U.S. District Court for the District of Hawaii for 16 counts of mail fraud for billing for the Hawaii State Medicaid Program, the Hawaii Medical Services Association and the Department of Defense, between 1991 and 1995 for services which had not been provided. He was further indicted for false claims to the State Medicaid Program, a false claim to the Department of Defense, and witness tampering. He was sentenced to 12 months and one day's imprisonment, to be supervised for three years after his release, ordered to perform 300 hours of community service, participate in a mental health program and pay restitution of \$25,145.07. He also agreed in December 1998 that he would not renew, restore, reinstate or apply for a license to practice medicine in Hawaii for three years. The Pennsylvania Board of Medicine suspended his license for four years, with nine months active suspension and the remainder served as probation. He was also ordered to pay \$500 in investigative costs. Based on the actions taken in Hawaii and Pennsylvania, a Provisional Order of Discipline was filed on July 19, 2000 with the New Jersey State Board of Medical Examiners which required Dr. McKinney to respond to the Findings of Fact. The Board reviewed his submissions and determined that further proceedings were not necessary in that no material discrepancies had been raised. The Board ordered that Dr. McKinney's license to practice medicine and surgery in the State of New Jersey is suspended for three years. He may not practice in New Jersey until he has appeared before a committee of the Board to demonstrate his fitness to do so and submit proof that he has complied with the terms imposed by the Hawaii and Pennsylvania Boards. Any New Jersey practice prior to such appearance shall constitute grounds for automatic suspension of his license. EFFECTIVE DATE: December 4, 2000

PHILIPONIS, Vincent William, M.D., Unlicensed

FINAL ORDER OF DENIAL OF LICENSURE filed December 18, 2000. On September 5, 2000, a Provisional Order of Denial of Licensure was filed with the Board. Dr. Philiponis submitted a response to the Findings of Fact contained in the Provisional Order. The Board considered his response to the multiple issues which formed the basis for the Provisional Order. The Board viewed his conduct as a continuing demonstration of his dishonest dealings with multiple entities responsible for credentialing medical practitioners. The Board found that he has demonstrated a pattern of completely failing to realize that integrity and honesty are essential characteristics for a medical practitioner. The Board is aware of its charge to ensure the public's protection. Rarely has the Board been presented with an applicant who so blatantly disregards his responsibility to truthfully report information and then minimizes and attempts to explain away his conduct. The Board, based on Dr. Philiponis's history and pattern of misrepresentations compounded by his persistent denial of culpability, does not find he is capable of fulfilling the obligation of trustworthiness incumbent upon a licensee. The Board has determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board has ordered that the application of Vincent William Philiponis, M.D., for licensure to practice medicine and surgery in the State of New Jersey be denied. EFFECTIVE DATE: December 18, 2000

PRAVETZ, Michael J., M.D., License No. 50364

FINAL ORDER OF DISCIPLINE filed December 28, 2000. On or about November 13, 1998, Dr. Pravetz signed an Agreed Order of Surrender in lieu of revocation of his license to practice medicine in the State of Kentucky. He did so in response to an Emergency Order of Suspension filed by the Kentucky Medical Board. He was charged with engaging in inappropriate sexual contact with four patients and inappropriately prescribing controlled substances to four other patients. A Provisional Order was filed which allowed Dr. Pravetz 30 days to respond to the Findings of Fact. Dr. Pravetz did not respond to the Provisional Order. The Board ordered that his license to practice medicine and surgery in the State of New Jersey be revoked. EFFECTIVE DATE: December 28, 2000

Disciplinary Actions

RIOS, Jose, M.D., License No. 22627

ORDER GRANTING MOTION TO AMEND COMPLAINT AND TO ENTER SUMMARY DECISION ON COUNT IV OF AMENDED COMPLAINT AND REVOKING LICENSURE filed December 13, 2000. The matter was reopened by the Board upon the filing of a motion by the Attorney General seeking to amend the complaint previously filed to add a new Count (Count IV) to the complaint predicated solely upon Dr. Rios's criminal conviction, on September 23, 1999, on charges of racketeering and Medicaid fraud. The Attorney General also moved for entry of an Order granting summary decision on Count IV, and in the event summary decision was granted, for the Board to impose disciplinary sanctions against Dr. Rios based on the conduct set out within Count IV. The Board ordered that the license of Jose Rios, M.D. to practice medicine in the State of New Jersey be revoked. The Board will not entertain or consider any application for reinstatement of licensure for a minimum of five years from the date of entry of this Order. In the event he files an application for reinstatement, he must appear before a committee of the Board to demonstrate he has complied with all terms of this Order and all terms of his criminal probation, and also to demonstrate his fitness to resume the practice of medicine. He was assessed a \$5,000 penalty and costs to be determined. **EFFECTIVE DATE: December 13, 2000**

SAFIER, Gary, D.O., License No. MB 23932

CONSENT ORDER filed December 22, 2000. A Verified Complaint had been filed by the Attorney General seeking the temporary suspension of licensure based upon the allegation that Dr. Safier had improperly prescribed controlled dangerous substances to a patient, based on an alleged verbal agreement between this patient and Dr. Safier by which the patient would lend Dr. Safier money and he would write CDS prescriptions for the patient. The Verified Complaint referenced an October 1997 indictment based upon these allegations in Morris County, New Jersey. In May 2000, Dr. Safier was admitted to the Morris County Pre-Trial Intervention Project, upon successful completion of which, the Indictment against him will be dismissed. On July 25, 2000, he moved before the Board for dismissal of the Complaint and submitted evidence that this patient had consistently lied about Dr. Safier's conduct, had forged his own prescriptions and had materially altered prescriptions. This application for dismissal was opposed by the Attorney General and then withdrawn by Dr. Safier's counsel. The Board recognized his good faith efforts to treat this patient, his substantial compliance with an Interim Order of the Board and his attendance at a CDS prescribing course. The Board ordered that Dr. Safier be reprimanded for conduct contrary to Board regulation in improperly monitoring this patient's consumption prior to this patient's admission into a drug rehabilitation program. He was assessed \$1,500 penalties and \$9,003 in costs. The Board also ordered that the conditions of licensure agreed to by Dr. Safier in the Interim Order are vacated and his license to practice medicine and surgery in the State of New Jersey shall be unrestricted. **EFFECTIVE DATE: December 22, 2000**

TONG, Yeow Ching, M.D., License No. 31074

CONSENT ORDER filed December 11, 2000. The Board office received information that Dr. Tong had aided and abetted the unlicensed practice of chiropractic and acupuncture. Specifically, it was alleged that Dr. Tong allowed Dr. Rong Sheng Lin to perform the unlicensed practice of chiropractic and acupuncture in his office. The Board found that he had engaged in professional misconduct and that he had failed to secure confidential patient records in violation of Board regulations. The Board ordered that Dr. Tong be reprimanded for aiding and abetting the unlicensed practice of chiropractic and acupuncture and for failing to secure patient treatment records. He must cease and desist immediately from permitting such unlicensed practice to continue in his office and immediately secure his patient charts. Dr. Tong was assessed a penalty of \$5,000 and investigative costs of \$2,211.49. **EFFECTIVE DATE: December 11, 2000**

ADMINISTRATIVE COMPLAINTS FILED

Amended Complaint filed December 29, 2000

KATZ, Michael Martin, M.D., License No. 50279

Names of the Board Members as presented on the photograph:

Seated (left to right):

Kevin Walsh, P.A., Treasurer
William V. Harrer, M.D., Vice President
Gregory J. Rokosz, D.O., J.D., President
Glenn A. Farrell, Esq., Secretary

Second row (left to right):

Ms. Deborah Bradley
George DeFerdinando, M.D.
Ricardo J. Fernandez, M.D.
Arthur Perry, M.D.

Daniel Weiss

Bernard Robins, M.D.
Christine Danser, C.N.M.

Third row (left to right):

James C. Ricketti, D.P.M.
Michael R. Chen, M.D.
Bassam Haddad, M.D.
Edwin M. Trayner, M.D.
David M. Wallace, M.D.

Not pictured:

Veronica Desmond;
Donald C. Huston, Jr., D.O.
Arganey L. Lucas, Jr., M.D.
Manmohan A. Patel, M.D.
Kelly M. Reid, M.D.

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William V. Roeder, Executive Director